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SUBJECT: SEXUAL VIOLENCE RESPONSE, INVESTIGATION, TITLE IX, AND VAWA

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IACLEA STANDARD: 4.1.5, 6.3.5, 13.2.7

CSU POLICE SYSTEMWIDE POLICY – Yes (Executive Orders 1095, 1096, 1097)

APPROVED: Alfredo B. Fernandez, Chief of Police

I. PURPOSE

To establish standardized procedures for initial response to, and investigation of sexual violence incidents, including sexual assault and sexual battery.

II. POLICY

It shall be the policy of the Department to conduct accurate, prompt, and thorough investigations into all reported incidents of sexual violence, including sexual assault, taking into consideration the needs of the victim; apprehend and ensure the prosecution of a sexual assault suspect, when appropriate; ensure that victims are connected to resources and are afforded the compassion and concern that is critical to surviving the incident; collaborate, as legally appropriate, with the Title IX/VAWA Coordinator, and cooperate, as legally appropriate, with the campus student conduct process; and educate the members of the University community about sexual violence prevention and reporting in order to promote the safety of the campus. The Department recognizes that the investigation of these incidents, both criminal and non-criminal, is a complex process requiring great sensitivity, victim support and crisis intervention skills.

III. DEFINITIONS

- A. Consent: An informed, affirmative, conscious decision by each participant to engage in mutually agreed-upon sexual activity. Applicable California Penal Code Sections for Consent definition include: 261, 262, 286, 288a, and/or 289.

- B. Dating Violence: A form of sexual violence, and is abuse committed by a person who is or has been in a social or dating relationship of a romantic or intimate nature with the victim. This may include someone the victim just met; i.e., at a party, introduced through a friend, or on a social networking website. The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- C. Domestic Violence: A form of sexual violence and is abuse committed against someone who is a current or former spouse; current or former cohabitant; someone with whom the abuser has a child; someone with whom the abuser has or had a dating or engagement relationship; a person similarly situated to a spouse of a the victim under California domestic or family violence law; or any other person against an adult or youth victim under California domestic or family violence law. Cohabitant means two unrelated persons living together for a substantial period of time, resulting in some permanency of relationship. Factors that may determine whether persons are cohabiting include, but are not limited to (1) sexual relations between the parties while sharing the same living quarters, (2) sharing of income or expenses, (3) joint use or ownership of property, (4) whether the parties hold themselves out as husband and wife, (5) the continuity of the relationship, and (6) the length of the relationship.
- D. Sexual Assault: A form of sexual violence which as used in this policy, refers to crimes of sexual violence as defined within Title IX of the California Education Amendments of 1972, California Education Code 66250, and/or California Government Code 11135. It involves an attempt, coupled with the ability, to commit a violent injury on the person of another because of that person's gender or sex. Simple sexual assaults include such acts as the touching, groping, kissing, etc. of a sexual nature. Violent/aggravated sexual assaults include such acts involving rape, penetration by a foreign object, sodomy, etc.
- E. Sexual Violence: refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs, alcohol or other form of incapacity, including disability. A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, and sexual coercion. All such acts of sexual violence are forms of sexual harassment covered under Title IX.
- F. Stalking: As used in this policy, a form of sexual violence involving a repeated course of conduct directed at a specific person that places that person in reasonable fear for his or her safety; the safety of others; or suffer substantial emotional distress.
- G. Title IX / VAWA Coordinator: the Director, Office of Equity and Diversity, University Hall 285, has been delegated by the University President to perform the role of conducting and overseeing the university's compliance with Title IX and Violence Against Women Reauthorization Act (VAWA) investigations and administrative requirements. This position is trained in conducting a civil rights investigation of sexual violence complaints that include: applicable confidentiality requirements; how to investigate allegations of sexual violence; and the use of "preponderance of the evidence" as the evidentiary standard.

IV. Title IX

- A. General Information

Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C §§1681 et seq., and its implementing regulations, 34 C.F.R. Part 106, prohibit discrimination on the basis of sex in education programs or activities. Sexual harassment of a student or employee, which includes acts of sexual violence, is a form of sex discrimination prohibited by Title IX. Title IX requires the university to take immediate action to eliminate the harassment/violence, prevent its recurrence, and remedy its effects. Sexual violence may constitute both sexual harassment under Title IX and criminal activity per the Penal Code.

Police investigations may be useful for fact-gathering; but because the standards for criminal investigations are different, police investigations or reports are not determinative of whether sexual harassment or violence violates Title IX. As responding police officers investigate, it is important to note that a person's conduct may constitute unlawful sexual harassment/sexual violence even if there is insufficient evidence of a criminal violation. It is therefore important that police personnel do not dismiss or overlook behavior that violates Title IX by concluding that a *criminal* offense did not occur. Even if a criminal violation has not occurred, the University still has a duty under Title IX to resolve complaints promptly and equitably.

B. Training

Title IX training shall be provided to all department personnel biennially, as well as upon the hiring of new personnel. Training shall consist of the following, at a minimum:

1. How to identify sexual harassment/violence;
2. The university's Title IX reporting and grievance procedures;
3. And any other procedures that may be used by the university to investigate reports of sexual violence, including rape, sexual assault, sexual battery, sexual coercion, dating violence, domestic violence and stalking.
4. Sexual assault investigators, as designated by the Chief of Police, are required to successfully complete the advanced POST Sexual Assault Investigator (SAI) training course prior to investigating a sexual assault case as an SAI.

C. Title IX Investigations

Title IX investigations and criminal investigations may occur concurrently. The Title IX investigation shall not be delayed pending the outcome of a criminal investigation, except temporarily for the collection of evidence. The Title IX Coordinator is permitted access by law to police department investigative notes and findings as necessary for the Title IX investigation, as long as it does not compromise the criminal investigation or prosecution of the criminal case. This determination rests with the Chief of Police, Department of Police Services.

For criminal Title IX cases, once a case has been presented to the District Attorney all case documents that were held to ensure the integrity of the criminal case are to be provided to the Title IX Coordinator by the Investigations Unit Commander, or his/her designee, no later than the next business day of the case filing.

V. Violence Against Women Reauthorization Act (VAWA)

A. General Information and Background

The Violence Against Women Reauthorization Act (VAWA) imposes obligations on colleges and universities under its Campus Sexual Violence Act (“SaVE Act”) provision, Section 304.

Under VAWA, colleges and universities are required to:

- Report domestic violence, dating violence, and stalking statistical data within the Clery Act annual security report (ASR);
- Adopt certain student discipline procedures, such as for notifying purported victims of their rights; and
- Adopt certain institutional policies to address and prevent campus sexual violence, such as to train in particular respects pertinent institutional personnel.

B. Response and Investigation

Although most VAWA requirements fall under the responsibility of the institution (CSUN), as overseen by the Director of the Office of Equity and Diversity, the Department of Police Services plays a vital role in the implementation of these federal mandates whenever an act of sexual violence is reported and/or occurs. In as such, responding police officers must be aware of the following when investigating and reporting both criminal and non-criminal acts of sexual violence. Records personnel must be attentive of public record reporting mandates.

1. Reporting Requirements

VAWA’s SaVE Act provision requires the following:

- a. The Clery Act requires annual reporting of statistics for various criminal offenses, including forcible and non-forcible sex offenses and aggravated assault. VAWA’s SaVE Act provision adds domestic violence, dating violence, and stalking to the categories that, if the incident was reported to a campus security authority or local police agency, must be reported under Clery. These offenses (domestic violence, dating violence, and stalking) are defined in section III (Definitions) of this policy.
- b. The provision adds “national origin” and “gender identity” to the hate crime categories, involving intentional selection of a victim based on actual or perceived characteristics that must be reported under the Clery Act.
- c. The provision requires, with respect to the “timely warnings” (i.e., crime alert bulletins) the Clery Act mandates for crimes considered a threat to other students and employees, that victims' names be withheld.
- d. As a result of these provisions, officers shall complete thorough and meticulous police reports involving both criminal and non-criminal acts of sexual violence (as defined by this policy).

2. Student Discipline Requirements

- a. Requirements in the Clery Act mandate institutions to inform students of procedures victims should follow, such as preservation of evidence and to

whom offenses should be reported. VAWA adds that institutional policy must also include information on:

- i. Victims' option to, or not to, notify and seek assistance from law enforcement and campus authorities.
 - ii. Victims' rights and institutional responsibilities regarding judicial no-contact, restraining, and protective orders issued by a state, federal, or tribal criminal or civil court.
 - iii. How the institution will protect the confidentiality of victims and other necessary parties.
- b. In accordance with VAWA and CSU Executive Order 1095, officers shall provide all victims of sexual violence with a written explanation of his or her rights and options.

The preliminary investigating officer to all sexual violence incidents (except for violent acts of sexual violence, as defined by this policy and requires response of a certified sexual assault investigator/SAI) shall advise the victim that the University is mandated by Federal Law to refer such cases to the Title IX/VAWA Coordinator through the Office of Equity and Diversity. This is to be done when providing the Equity and Diversity Title IX pocket card (Appendix B) and the Office of Equity and Diversity's "Rights & Options for Survivors of Sexual Misconduct, Dating and Domestic Violence, and Stalking" booklet (Appendix A).

- c. VAWA also prescribes standards for the investigation and conduct of student discipline proceedings in domestic violence, dating violence, sexual assault, and stalking cases. Investigative reports taken by police officers are to be made available to the Title IX/VAWA and/or student conduct hearing officers (in accordance with both federal and state confidentiality laws). In as such, it is imperative police officers thoroughly investigate and document all reports of sexual violence, regardless of where the incident occurred.

3. Requirements to Educate Students and Employees on Sexual Violence

Under VAWA, new students and new employees (faculty and staff) must be offered "primary prevention and awareness programs" that promote awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking. VAWA requires that training programs include:

- a. A statement that the institution prohibits those offenses.
- b. The definition of those offenses in the applicable jurisdiction.
- c. The definition of consent, with reference to sexual offenses, in the applicable jurisdiction.
- d. "Safe and positive" options for bystander intervention an individual may take to "prevent harm or intervene" in risky situations.
- e. Recognition of signs of abusive behavior and how to avoid potential attacks.

- f. Ongoing prevention and awareness campaigns for students and faculty on all of the above.

CSUN has a variety of educational programs to meet these requirements. The department hosts and participates in numerous public safety education/awareness programs to support the university in its public education goals. The above topics have been integrated into applicable Department of Police Services' crime prevention programs and, when reasonable, victims should be provided information on how to obtain a copy of the CSUN Annual Security Report (i.e., ASR) which contains information as to the material listed above. The ASR is posted on the department's website including a site specific link on the CSUN Department of Police Services mobile app.

VI. PROCEDURES

A. Dispatcher Responsibilities:

1. Confirm the location of the victim and determine if she/he is safe from the suspect.
2. Determine if there are any life threatening injuries. If so, contact the Los Angeles Fire Department for medical response service.
3. Determine when and where the sexual assault/violence incident occurred.
4. Determine if the suspect is still in the area and/or a direction of travel. Obtain a description of the suspect and determine if the suspect is armed. If the suspect is still at the scene or in the vicinity, immediately dispatch available units.
5. Dispatch a police officer (note: if the victim is female, and a female officer is on duty, dispatch the female officer to the scene).
6. Provide all pertinent information needed for a crime broadcast when the suspect is not at the scene.
7. If the victim is not in danger, request to have an available officer land line the station and provide information over the phone. Be cognizant of protecting the victim's confidentiality.
8. Ensure that the shift supervisor and Patrol Operations Commander are aware of the situation.

B. Shift Supervisor's Responsibilities:

1. If the suspect is at the scene or in the immediate vicinity, coordinate a patrol response. If needed, contact LAPD and request assistance.
2. If the victim is a female, ensure that a female officer is dispatched as first responder (if a female officer is on duty anywhere on campus).
3. If a female officer is not on duty, consider the training and experience of available officers. The first responding officer shall be responsible for ensuring

the safety of victims and witnesses and providing any support requested by or needed by the victim. The number of officers having direct contact with the victim should be limited. For a violent sexual assault situation, select the most appropriate officer to provide victim support until such time a sexual assault investigator arrives to initiate the initial investigation.

4. At no time shall the victim be asked if she/he is desirous of prosecution.
5. In the event of a violent sexual assault, immediately notify (or delegate to the dispatcher to notify) a Department sexual assault investigator (SAI). The SAI will be advised of the initial dispatch information concerning the complaint and be ordered to respond to campus. The SAI shall be responsible for the preliminary investigation when he/she arrives on the scene. The SAI shall assume full investigative responsibility for the incident from the shift supervisor. If the SAI is Sergeant rank or above, he/she shall also assume supervisory responsibility for the incident. (Note: this does not apply to a simple sexual battery such as the groping of a private part.)
6. In the event a SAI is needed and one is not available, a Patrol Sergeant shall assign the most senior officer on the watch to complete the preliminary investigation role of the SAI.
7. If the victim requires immediate medical attention, ensure that she/he is transported to an appropriate medical facility. Additionally, ensure that the victim has been offered the assistance of the department's sexual assault crisis advocate, or in her absence, Strength United (formerly Valley Trauma Center) advocate (818) 886-0453. Phone the CATS/SART Treatment Services center at (818) 908-8630 or 8632. Advise the CATS/SART staff that the victim is a sexual assault victim. The SART staff will conduct an evidentiary exam.
8. If the victim's injuries are not serious and the crime involves a violent sexual assault, ensure that the victim is taken directly to the SART exam room. (Refer to the "SART Response", appendix C.)
9. The shift supervisor shall ensure that the Special/Sensitive Crimes Unit Sergeant (Criminal Case and/or Title IX-VAWA notification), Patrol Operations Commander, and the Chief of Police are notified of all sexual assault incidents as soon as practical. The Chief of Police shall determine what other parties need to be informed of the incident.
10. In the event of a violent sexual assault, the shift supervisor shall also be responsible for ensuring that the Department's sexual assault response "ready bag" is conveyed to the SAI. (Refer to "Sexual Assault Ready Bag Inventory List", Appendix D.) A "sexual assault investigation check list" is included in the bag to assist the SAI. (Refer to the "Sexual Assault Investigation Checklist", Appendix E.)
11. The shift supervisor shall assist the SAI in ensuring that the crime scene and any evidence are secured for further processing by the SAI.

C. Initial Responding Officer's Responsibilities:

1. In the event of a simple sexual assault or other sexual violence incident (i.e., simple battery of a sexual nature, harassment, non-criminal stalking, etc.), the responding officer(s) shall investigate and report on the incident similar to that of other reported crimes in accordance with the requirements of this policy and those of the following (as applicable):
 - a. 07-O.A.-007 Field Reporting and Management
 - b. 07-C.I.-005 Criminal Investigation
 - c. 07-C.I.-003 Crime Scene Processing and the Collection and Preservation of Evidence
 - d. 07-S.O.-010 Child Abuse Response and Investigation Policy
 - e. 08-S.O.-014 Domestic Violence Policy

2. In the event of a violent/aggravated sexual assault, the initial responding officer shall:
 - a. Determine the location and condition of the victim.
 - b. Determine the age of the victim. If she/he is a minor, refer to the “Sexual Assault Response for Juvenile Victims”, appendix F.
 - c. The initial officer’s duty is to administer emotional and first aid to the victim. Be especially sensitive to the fact that the victim has experienced a very traumatic incident. Introduce yourself and explain your purpose. Assure the victim that she/he is safe now and that you are here to help her/him. Acknowledge the ordeal that the victim has been through and determine whether the victim has any physical injuries requiring immediate medical attention. Note that in the majority of sexual assault cases, victims do not sustain physical trauma.
 - d. If available, tell the victim a same sex officer will be made available if she/he so desires (assuming this has not already been arranged).
 - e. At no time shall the victim be asked if she/he is desirous of prosecution.
 - f. Identify support systems for the victim, such as friends, family, the department’s rape crisis advocate or Strength United (formerly Valley Trauma Center) support services and related community services. Assist the victim with making contact to the appropriate parties and in contacting an advocate if desired. See page 14, section F.
 - g. Without discussing the incident with the victim, the initial responding officer shall keep their discussion with the victim to questions that focus on the immediate safety of the victim, witnesses, and any other person whose harm may continue to be in jeopardy. Potential evidence should also be identified, but without any discussion of the incident occurring with the victim. Advise the shift supervisor who will take steps necessary to provide for the safety of others and/or secure evidence for further processing by the SAI.
 - h. The initial responding officer shall remain with the victim until relieved by the SAI or a Detective Sergeant (assuming one or the other can be reached and is able to respond). If an ambulance is needed, the initial

responding officer shall stay with the victim and additional officers should be assigned to obtain witness statements. The officer with the victim should communicate additional information with dispatch via a phone.

- D. Sexual Assault Investigator Responsibilities (when called to the scene of a violent/aggravated sexual assault)
1. Explain to the victim that the department has a rape crisis advocate available to provide information and support (see appendix call list). If the department's advocate is unavailable, then an advocate from Strength United will be contacted and will meet the victim at the hospital for support. If the Strength United/CATS Center advocate does not arrive, advise the SART staff and they will re-contact Strength United.
 2. In the preliminary investigation, the following information should be gathered to substantiate the allegation of sexual assault:
 - a. Interview the victim and all witnesses. Tape record all interviews.
 - b. Identify all persons with possible knowledge of the incident.
 - c. Ensure the crime scene is documented (photos as appropriate).
 - d. When the facts of the incident are known, notify a detective from the LAPD Devonshire Division Homicide unit at (818) 832-0538. Advise them of the nature of the crime and any suspect information.
 3. Victim Interview
 - a. The victim shall never be asked his she/he is desirous of prosecution prior to, during, or after the investigation.
 - b. Tape record all interviews.
 - c. Note the emotional and physical state of the victim and include that information in the report. This interview should be conducted in a comfortable location away from the crime scene.
 - d. Identify the suspect (if possible) and all areas where the suspect came in contact with the victim.
 - e. Determine the victim's activities prior to the time of the offense.
 - f. Obtain the victim's account of the offense, from the time the suspect was first observed until the suspect left the scene. Include specific details such as verbiage of the suspect, tone of voice, weapons used, threats made, physical oddities, and other unique identifiers. Specifically document the exact nature of the assault including areas touched by the suspect (on the victim's person and at the crime scene), the number of times the area was touched, words exchanged and actions by both.
 - g. Note and document the victim's condition. This should include a statement as to the victim's mental state, the evidence of torn or disheveled clothing, etc.
 - h. Interview any "fresh" witnesses.

- i. Obtain a complete description of the suspect, including any unique identifiers or MO's.
- j. Determine whether there is any additional evidence that was not identified during the initial contact, even when the victim thinks it is unimportant.
- k. Understand that late reporting is a common behavior of sexual assault victims, particularly in acquaintance rape cases, and does not preclude successful investigation and prosecutions.
- l. Identify any physical injuries the victim sustained, if any. Sometimes bruises appear after the initial evidence exam.
- m. Identify any prior history of sexual assault, especially if it resulted in law enforcement action. This information is discoverable by the defense attorney and can be used in court. It is imperative that the investigator has knowledge of the victim's history. The investigator has the discretion to include this information in her/his report.
- n. At the completion of the investigation, the SAI will phone the Los Angeles County District Attorney's (DA) office at (818) 898-2511 and request an appointment with the DDA handling sexual assault cases. The SAI will transport the victim to the DA's office for an interview prior to review of the case. The DA is responsible for determining if the case will be filed.

4. Witness Interviews

Identify any "fresh" witnesses. These are individuals whom the victim contacted immediately after the sexual assault occurred. These witnesses can testify to the emotional and physical state of the victim after the attack.

5. Evidence

All evidence in support of the allegation of sexual assault should be gathered and preserved including:

- a. Photographs of victim/crime scene.
- b. The sexual assault evidence kit and signed OCJP form from the SART exam room.
- c. The suspect's SART exam results, if applicable.
- d. Articles of clothing from the victim and the suspect (package each item of clothing in separate paper evidence bags. Items with blood or semen should be folded carefully to prevent distortion of the stains).
- e. Biological body fluids.
- f. Bedding and/or other material used.

6. Explain to the victim the purpose of the "Request for Confidentiality of Information" form (located in the "ready bag"). (Refer to the "Request for Confidentiality of Information" form, appendix G) Have the victim sign if she/he wishes her/his name to be kept confidential. This form should not be confused with a victim's consent to allow California State University, Northridge Police to contact counseling, the Title IX/VAWA Coordinator, or other sexual assault support services.

7. Seek the permission of the victim to release their name for the purposes of advising California State University, Northridge support services: counseling services, student affairs, residential life, etc. Advise the victim that should they choose to release their identity, one or more of these support services will be in touch with the victim to assist them. If confidentiality is desired, inform the victim that a confidentiality request may limit the University's ability to respond with various support services available.

Note the victim's request/denial for release of victim's name for counseling and/or support services in the preliminary investigative report.

8. When appropriate, the victim shall be advised of the steps he/she will encounter during the preliminary investigation. Include the following:

Referral to the Title IX/VAWA Coordinator:

The SAI is to advise the victim that the University is mandated by Federal Law to refer such cases to the Title IX/VAWA Coordinator through the Office of Equity and Diversity. This is to be done by providing the Equity and Diversity Title IX pocket card (Appendix B) and Office of Equity and Diversity's "Rights & Options for Survivors of Sexual Misconduct, Dating & Domestic Violence, and Stalking." (Appendix A). The investigator/officer will also provide the CSUN Police Department's pamphlets and education materials which are provided within the sexual assault ready kits.

Required information victims must be made aware of per Title IX include:

- a. Their right to file a Title IX Complaint through the Office of Equity and Diversity;
- b. Their right to file a Criminal Complaint with the University Police Department or law enforcement agency having jurisdiction over the incident;
- c. Of which both the above may include the following:
 - 1) In-depth interviews (specific/personal questions)
 - 2) Extensive medical examination protocol
Follow-up investigation procedures (interviews, identify suspect(s))
 - 3) Court judicial process (courtroom testimony/procedures)
 - 4) Campus judicial process
- d. Direct contact may be made by the University's Title IX Coordinator who is required by Title IX law and CSU policy to investigate the harassment/sexual violence incidents and provide further victim/witness assistance/support if desired. Per Title IX, the Title IX Coordinator will be provided evidence obtained during the police investigation (as permitted by law in that the University has a broader responsibility to the community at large).

- e. If a complainant requests confidentiality, the University will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality. Relevant information shall only be shared with those who have a legitimate need to know basis to include: the university police department, Title IX Coordinator, and District Attorney.
 - f. Note that Title IX and CSU policy prohibits retaliation. The University will take steps to prevent it and will take strong responsive actions if retaliation occurs.
 - g. Refer the victim to the University Office of Equity & Diversity “Title IX Notice of Non-Discrimination” webpage for the University’s policies prohibiting sexual harassment and sexual violence as well as a comprehensive list of support services and information regarding the University’s response to Title IX incidents at <http://www-admn.csun.edu/equ>.
9. The victim should be transported to the CATS/SART (Center for Assault Treatment Services) facility in Van Nuys for medical treatment and evidentiary examination (if she/he is willing) conducted by the Sexual Assault Response Team. Briefly explain the medical examination to the victim and resolve any concerns she/he may have about the procedure. Make sure the victim brings along a change of clothes to the hospital. (See attached SART appendix H.)

At the conclusion of the exam, sign the OCJP forms and take the sexual assault evidence kit to the station for booking. Ask the victim if she would like to stay with a friend or be moved to alternate Housing (if the victim is a resident of campus Housing). Make necessary arrangements for alternate living and obtain all contact information for that location. Provide the victim with the *TAKING ACTION, WHAT TO DO IF YOU ARE RAPED* and *MEDICAL CARE* pamphlets and University Counseling / SHC literature in the “ready bag”. Liaison with the SAI to discuss additional investigative leads or concerns.

10. Should the victim decline medical treatment and/or support services, encourage the victim to go to the CATS/SART facility for medical treatment. Explain that both the medical support services they provide are extremely helpful. Attempt to persuade the victim to go to the hospital for counseling services or to avail herself/himself of the department’s rape crisis advocate services (or Valley Trauma/CATS services). Offer the victim University counseling and provide contact numbers for victim services. Non-CSUN victims are not eligible for University support services.
11. If the victim refuses all of the above, determine if the victim would be willing to go to the Student Health Center on campus.

E. Suspect Apprehension / Crime Scene:

- 1. Arrest of suspect: The following factors should be considered when determining whether or not to arrest the suspect:
 - a. Nature of the offense (felony/misdemeanor)

- b. Imminent danger to the victim, community or self
 - c. Likelihood the suspect will flee
 - d. Potential ramifications of the arrest (may wish to file by complaint)
 - e. Impact on case development
2. If a suspect has been apprehended, investigative personnel will conduct suspect interviews if they are present. If there is no SAI available, advise suspect of his/her constitutional rights and provide referral sheet and explain the nature of the investigation when appropriate. Additionally:
 - a. Take suspect to a SART equipped facility for an evidentiary exam. Any “non-intrusive” methods used to gather evidence (finger nail clippings, hair samples, saliva samples, etc.) do not require the suspect’s consent and “reasonable force” may be used to obtain these samples if the suspect refuses an exam. Any “intrusive” procedures (cavity search, needles, etc.) used to gather evidence will require a warrant if the suspect refuses. A suspect does not have the right to refuse a booking photograph or fingerprints.
 - b. Document any trauma that may have resulted from confrontation with the victim. The location of this physical trauma should be noted and photographed.
 - c. Remove and preserve the clothing worn by the suspect during the assault as evidence. Identify and collect any trace evidence (semen, blood, hair, etc).
 - d. If there is more than one suspect detained, the suspects shall be kept separated.
 - e. Record all spontaneous statements, with date and time.
 - f. Prevent communication between victims, witnesses, and suspects.
 - g. Record any alibi statements.
 - h. Determine and document any oddities or unusual MO’s – trademarks demonstrated by the suspect.
3. If a suspect is identified and the investigation permits, the SAI should consider a “pre-text” phone call whereby the victim phones the suspect on a taped line and engages in a scripted conversation. Arrangements for this type of conversation must be made in conjunction with a member of the department’s investigations unit. Additionally, the SAI must obtain prior consent from the District Attorney in order to make the call. This technique is not general information and should be kept confidential.
4. If the suspect is not in custody:
 - a. Attempt to ascertain a positive identification of the suspect.
 - b. Determine a place of residence, employment or frequent visitation.
 - c. Determine what vehicles the suspect owns/drives.
5. Crime Scene Investigation:
 - a. Protect the scene.
 - b. Take detailed notes and record evidence and locations.

- c. Photograph the scene from the exterior to the interior. Photograph items of evidence taken prior to removing them if possible. Use the department digital camera.
- d. Refer to physical evidence guidelines handout, located in the “ready bag,” for collection and packaging of specific evidence such as blood, semen, hair etc.

F. Sexual Assault Crisis Advocate Responsibilities:

The University maintains a partnership with Strength United Trauma Center in maintaining an on-campus sexual assault/violence crisis advocate within the Department of Police Services. The sexual assault/violence crisis advocate is a civilian employee specifically assigned to the CSUN campus and is specially trained by Strength United for advocacy during preliminary and follow-up law enforcement investigations as well as providing advocacy support during the prosecution of an offender.

The primary role of the sexual assault/violence crisis advocate is to provide emotional support and assist in receiving victim/witness assistance for the “survivor” of a sexual assault/violence incident during the law enforcement investigation and to facilitate communication between the law enforcement officers and the survivor. The advocate is a bridge for law enforcement by explaining procedures that the survivor and/or family may feel un-comfortable communicating. The advocate accompanies the survivor to the hospital, to interviews or photo “line ups,” etc. When the advocate is taking on this specialized support role they are working on behalf of Strength United and under their protocols. Therefore, the advocate is not privy to any police reports, investigative information or insight, etc.

When the facts of the case are known and the interviewing officer is preparing for SART assistance (or if the victim has refused medical assistance and other services are being offered), the officer should contact a sexual assault crisis advocate through the Strength United/CATS Center.

G. Investigations Unit Responsibilities (informing the Title IX Coordinator):

The Investigations Sergeant, or designee in their absence, shall serve as the designated person within the Department responsible for notifying and working directly with the Title IX/VAWA Coordinator in the following manner:

1. The preliminary investigation shall be reviewed by the responsible Investigations Sergeant no later than the next business day occurring from the time of the reported incident. Upon doing so, he/she shall contact the Title IX/VAWA Coordinator by email to inform her/him of the assault, providing a brief summary of the incident and related RIMS case number.
2. The Title IX/VAWA Coordinator and responsible Investigations Sergeant will discuss the case and the victim’s willingness to pursue criminal charges. If the victim does not want to pursue criminal charges, the responsible Investigations Sergeant may share all information gathered from the victim with the Title IX Coordinator if not prohibited by state statute and prosecution has been declined by the District Attorney.
3. The Title IX/VAWA Coordinator will use this information to begin an investigation through the University. If the victim wishes to pursue criminal charges, the responsible Investigations Sergeant will share basic information with the Title IX/VAWA Coordinator to include the victim’s name (if not prohibited

by state statute); the victim's contact number; nature of the assault (i.e., that which would be placed on a daily crime log); and the classification of the crime and the name of the perpetrator, if provided.

4. If the victim wishes to pursue criminal charges, the responsible Investigations Sergeant shall inform the Title IX Coordinator of the victim's wishes, and the Title IX/VAWA investigation may temporarily pause while law enforcement conducts their preliminary fact finding, which shall not exceed 10 business days (unless significant justification can be made as to why it needed to be longer and is approved by the Chief of Police). The responsible Investigations Sergeant may share all relevant interview summaries, forensic reports, etc. with the Title IX/VAWA Coordinator.
5. If the victim chooses not to pursue criminal charges, the responsible Investigations Sergeant will be informed by the University's Title IX/VAWA Coordinator of a change in the victim's desire to pursue criminal charges. In such cases, all relevant interview notes and information obtained by the Title IX/VAWA Coordinator can be shared with the responsible Investigations Sergeant so long as the victim's permission is given.
6. If the victim does not wish to pursue criminal charges and prosecution is declined by the District Attorney, the University will assume leadership over all aspects of the investigation. Any additional information obtained by the responsible Investigations Sergeant must be shared with the Title IX/VAWA Coordinator.

H. Records Unit Responsibilities (forwarding of reports, investigator notes, etc. to Title IX/VAWA Coordinator):

Cases involving a Title IX/VAWA incident (i.e., sexual violence/harassment – verbal and/or physical) shall be indicated on the RIMS case report within the “Special Circumstances” drop down menu by selecting “Title IX/VAWA Case.” A hard copy of the case, showing proof the Title IX/VAWA coordinator was given access to the required case documentation, is to be maintained in a separate file within the Records Unit hard copy file system.

Copies of reports provided to the Title IX/VAWA Coordinator will be redacted as required by law and issued via “myCSUNbox” whereby reports provided are posted in a viewable pdf format only. Reports posted in “myCSUNbox” are viewable for 6 months, at which time they'll be deleted. Printing a hardcopy is prohibited by the Department and removed as an option from the software program.

When issuing crime alert bulletins (i.e., timely warnings) and daily logs, victims' names shall not be posted as per confidentiality requirements of VAWA.

I. Documentation:

To reiterate documentation requirements of a sexual violence incident, as stated within this policy, the initial officer assigned to the case will write the preliminary investigative report (PIR) whether or not he/she believes that a crime did or did not occur. The PIR should contain the necessary documentation including:

1. The Request for Confidentiality face sheet, if applicable.
2. Source of activity, observations; i.e. victim's physical /emotional condition, etc.
3. Actions taken by the investigating officer and others.
4. Statements of victim, witnesses, and accused.

5. Physical evidence noted and secured.
6. The signed, completed checklist.
7. The signed OCJP form.

Note: The detailed, in-depth investigative report for all violent/aggravated sexual assaults will be completed by an SAI.

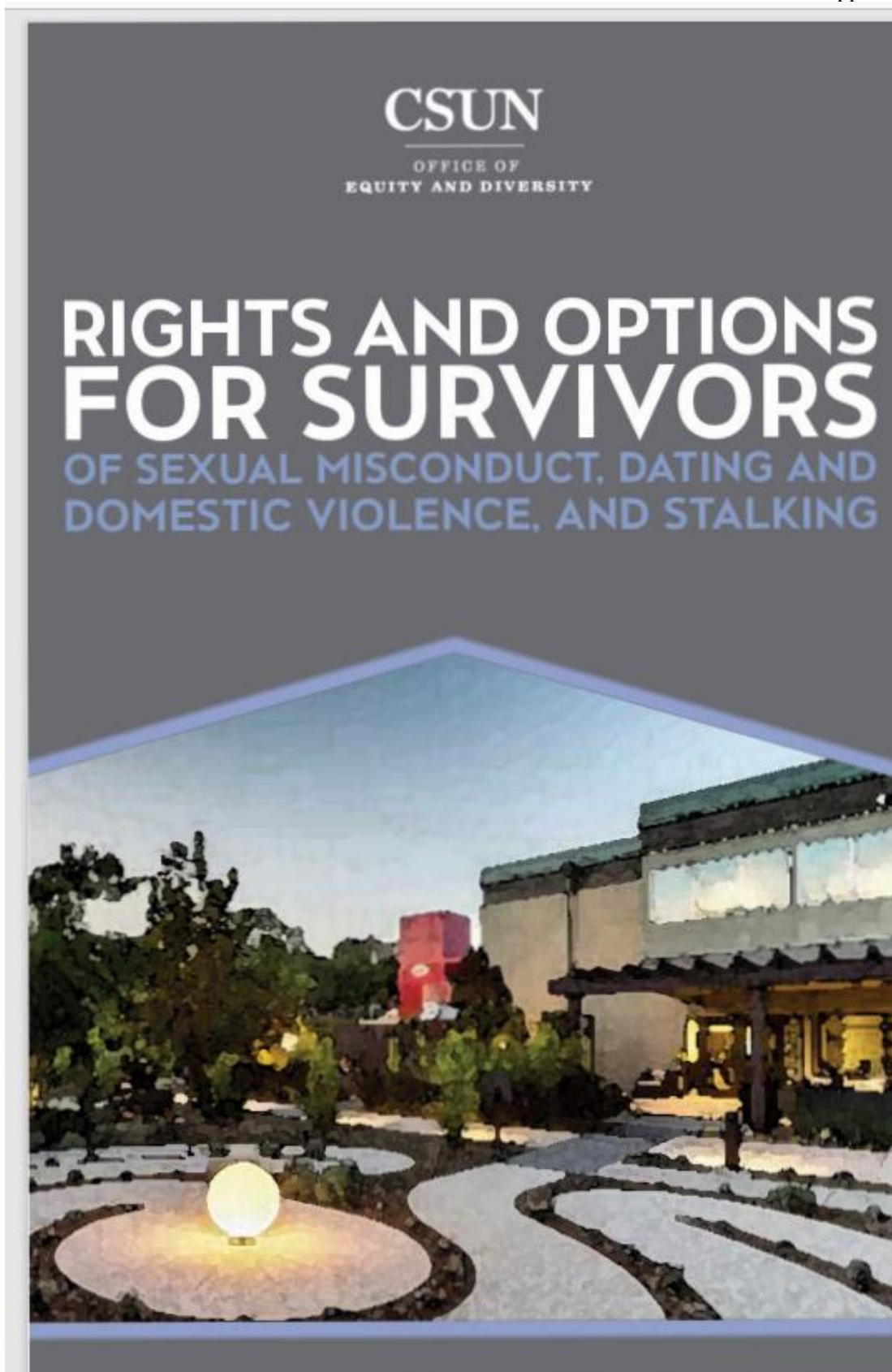
J. Case Review:

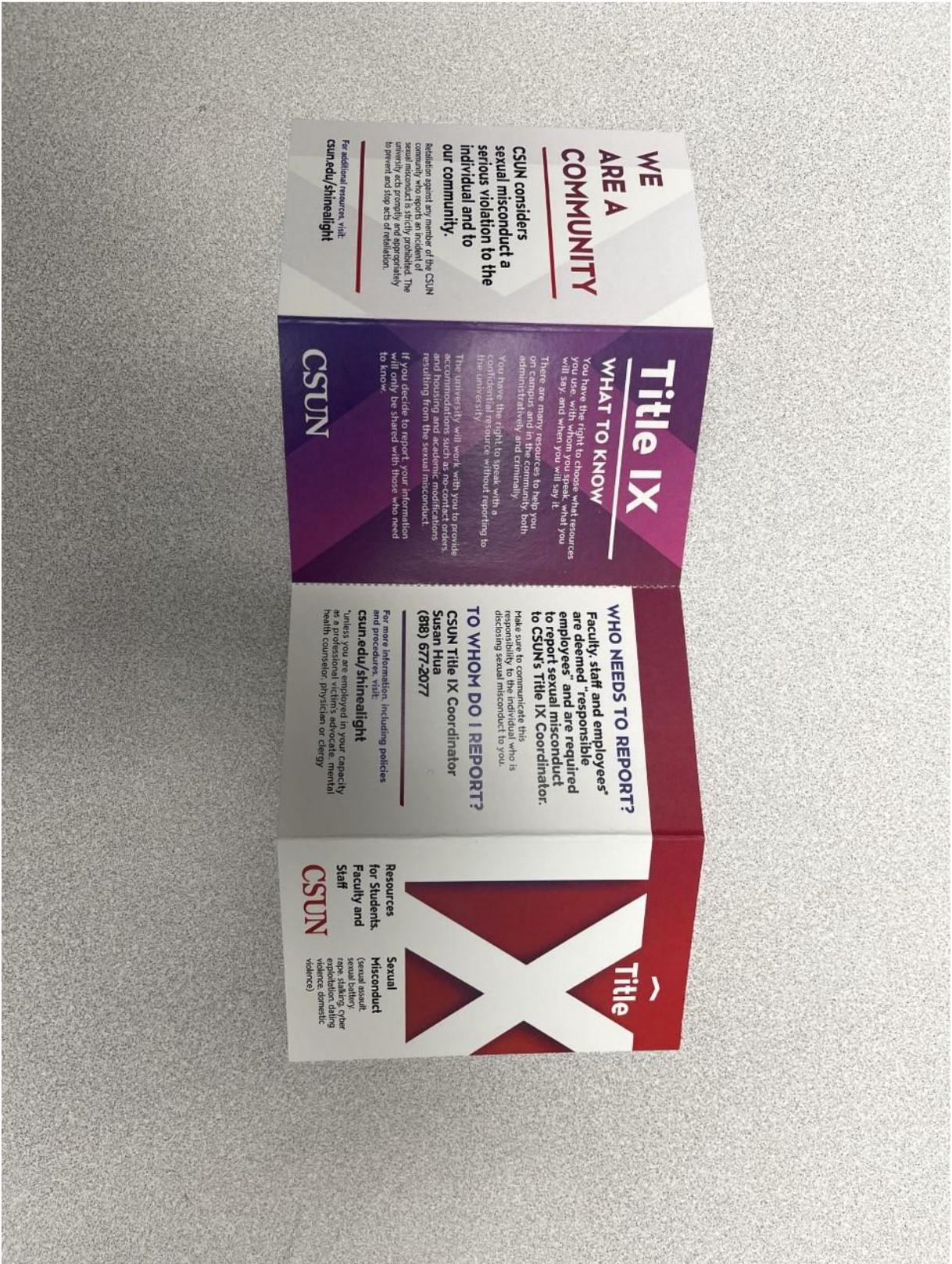
The final review and case summary should include:

1. Disposition of the victim.
2. Evidence identified and collected.
3. Statements (oral and written).
4. Disposition of the suspect(s).
5. Coordination and consultation with other involved agencies.
6. Need for confidentiality of case information and Victim identification per Penal Code section 293(a).
7. Report of the case progress to appropriate parties to the offense.
8. This report will be sealed in an envelope and stored in the Chief's mailbox for immediate review by the command staff.

V. APPENDICIES

- A. CSUN Office of Equity and Diversity "Rights & Options for Survivors of Sexual Misconduct, Dating and Domestic Violence, and Stalking" booklet cover page.
- B. CSUN Office of Equity and Diversity "Title IX: Resources for Students, Faculty, and Staff" pocket card
- C. SART Response
- D. Sexual Assault Ready Bag Inventory List
- E. Sexual Assault Investigation Checklist
- F. Sexual Assault Response for Juvenile Victims
- G. Request for Confidentiality of Information form
- H. Sexual Assault Investigators





WE ARE A COMMUNITY

CSUN considers sexual misconduct a serious violation to the individual and to our community.

Regulation against any member of the CSUN community who reports an incident of sexual misconduct is strictly prohibited. The university acts promptly and appropriately to prevent and stop acts of retaliation.

For additional resources, visit:
csun.edu/shinealight

Title IX

WHAT TO KNOW

You have the right to choose what resources you use with whom you speak, what you will say, and when you will say it.

There are many resources to help you on campus and in the community, both administratively and criminally.

You have the right to speak with a confidential resource without reporting to the university.

The university will work with you to provide accommodations such as no-contact orders and housing and academic modifications resulting from the sexual misconduct.

If you decide to report, your information will only be shared with those who need to know.

CSUN

WHO NEEDS TO REPORT?

Faculty, staff and employees* are deemed "responsible employees" and are required to report sexual misconduct to CSUN's Title IX Coordinator.

Make sure to communicate this responsibility to the individual who is disclosing sexual misconduct to you.

TO WHOM DO I REPORT?

CSUN Title IX Coordinator
Susan Hua
(888) 677-2077

For more information, including policies and procedures, visit:

csun.edu/shinealight
*unless you are employed in your capacity as a professional, victim's advocate, mental health counselor, physician or clergy

Title IX



Resources for Students, Faculty and Staff
CSUN

Sexual Misconduct (sexual assault, sexual harassment, stalking, cyber exploitation, dating violence, domestic violence)

Appendix "C"

SART RESPONSE**SART / CATS Facility:**

14531 Gault St.

Van Nuys, 91405 (Refer to attached map)

Telephone: (818) 908-8630 or (818) 908-8632

24 hour # to call after 6 p.m. or if no answer: (877) 213-6528

Business Hours: Monday through Friday, 0900 – 2300 hours

Exams available 24 hours per day, 7 days a week

After business hours, nurses are paged by the Northridge Hospital Crisis Unit.

How to initiate a SART exam:

- Determine that a sexual assault occurred.
- Obtain a change of clothes for the victim.
- Follow the outlined sexual assault investigation procedure, located in the "ready bag".
- Phone (818) 908-8630 *[or the 24 hour hotline (877) 213-6528 if no answer]*, tell the on-duty nurse your name and department and provide them with a direct call back number- (818) 677-2111.
- The nurse will call dispatch and provide an ETA to SART/CATS.
- Explain that you have a sexual assault victim who needs a SART exam.
- Transport the victim to SART/CATS Exam Room.

Directions to SART/CATS: Refer to attached map of area.

Take the 405 South exit Sherman Way.

Go East on Sherman Way for approximately 2 miles.

Pass Sherman Circle and follow the curve south.

At Gault St, turn right and proceed to 14531 (right / north side of the street).

Park in the designated police stall on the west side of the building.

Special instructions for non-business hours:

- During non-business hours, when the SART/CATS facility is not staffed, the nurse will call dispatch and inform them of the code for the lock box, located under the door bell, so that you can obtain access into the facility and wait for the nurse to arrive.

The exam process:

- Allow between 3-4 hours for the physical exam. Use the time to write your report.
- The exam consists of collecting evidence on the victim's clothes and body.
- If the victim is wearing the same clothes that she was wearing during the assault, the nurse will have her disrobe while standing on a large piece of butcher paper. This will allow all trace evidence to be collected on the paper.
- The nurse will package the victim's clothes in evidence bags.
- The nurse will conduct a pelvic exam and take various swabs from the victim's body where the suspect made contact. This is why it is imperative that officers obtain a detailed account of the suspect's actions from the victim.
- The nurse will take photographs of injuries and various areas on the victim.

Appendix “C – Continued”

- The nurse will complete the OCJP report and note any findings of sexual assault.
- During the physical exam, the Department or VTC advocate can be with the victim. If desired, a family member or other support person of the victim’s choice can also be with the victim during the exam. NOTE: Officers are *always* present during suspect exams.

What to do after the exam:

- At the conclusion of the exam, you must sign the OCJP form and wait to collect the evidence. SART/CATS staff will provide you with an audio CD of the interview for your report.
- The nurse will advise you when the evidence is ready and you must adhere to the chain of custody.
- There are requirements printed on the bags that dictate how to store the evidence at the station. Most need to be kept in the freezer or refrigerator.
- Transport the victim to a safe location of her/his choice. If she/he lives in student Housing, use the time during the exam to make arrangements for a room change.
- Provide the victim with the support pamphlets found inside of the “ready bag”.
- Provide the victim with your business card with the crime report number on it.
- Advise the victim of follow-up interviews and investigatory steps.
- Obtain all contact information for the victim.
- Restock the “ready bag” and return it to the shift supervisor’s office.

SEXUAL ASSAULT READY BAG

Inventory List

Items

- Clipboard
- RIMS Report
- Request For Confidentiality Of Information Document
- CSUN PD Sexual Assault Policy
- CSUN PD Sexual Assault Checklist
- SART Response
- Receipt For Property Taken Into Custody
- Physical Evidence For Submission To Criminalistics Laboratories Document
- CSUN PD Standard Operating Procedure For Physical Evidence Document
- Investigatory Tips For A Drug-Facilitated Rape Document
- Evidence Storage Paper Envelopes: 5- 9x12
- Evidence Storage Brown Paper Bags: 5- 11.75x16
- 15 Red Evidence Seal Strips
- 5 Specimen Containers
- 5 Pair Latex Gloves
- "Taking Action:..." Booklet (Source: Santa Monica Rape Treatment Center)
- "What To Do If You Are Raped" Booklet (Source: Santa Monica Rape Treatment Center)
- "Medical Care" Booklet (Source: Santa Monica Rape Treatment Center)
- University Counseling Services Brochure
- CSUN PD Rape And Sexual Assault- Anyone Can Be A Victim Brochure
- Sexual Assault Wallet Cards: "Victim Support Police and Free Resources (front) / What to do if you are Sexually Assaulted or Raped (back)" (Source: CSUN PD)
- "Title IX: Resources for Students, Faculty, and Staff" Pocket Card (Source: CSUN Office of Equity & Diversity)
- "Rights & Options for Survivors of Sexual Misconduct, Dating & Domestic Violence, and Stalking" Booklet (Source: CSUN Office of Equity & Diversity)
- "What You Need To Know If You Are Raped...And How A Rape Crisis Advocate Can Help You" Card (Source: CSUN PD)
- "How to Obtain a Restraining Order" pamphlet (Source: L.A. District Attorney)
- 10 CSUN PD Business Cards
- Marsy's Card and Resources Pamphlet (Source: State Attorney General)

 Officer Signature

Date

Rev. 02/22

SEXUAL ASSAULT INVESTIGATION CHECKLIST

PROCEDURE	DATE / TIME	OFFICER / I.D.
Initial Responding Officer:		
Notify shift supervisor		
Secure the safety of the victim and provide victim/witness support.		
Determine the need for medical care		
Locate friend and department rape advocate to assist victim		
Advise if same sex officer available		
Without interviewing the victim, may obtain status / ID of suspect; ask Who, What, and Where involving the incident/crime dispatched, and potential for on-going threat to the victim or community		
Never ask if willing to prosecute or the How and Why to the incident		
Secure crime scene and identify evidence without interviewing victim		
Ensure SAI has been notified for response by shift supervisor		
If not the responding SAI, ensure detective has been notified as necessary.		
Shift Supervisor:		
Obtain "Ready bag" from shift supervisor's office		
Make required notifications as per policy		
Assist in securing the scene and evidence collection		
Sexual Assault Investigator (SAI):		
Advise victim of investigation process/Never ask if willing to prosecute		
Explain medical and evidence procedures		
Verify a support advocate is responding if not on scene and desired.		
Conduct Preliminary Investigation – direct shift supervisor and/or initial responding officer to assist with obtaining witnesses, evidence collection or other duties as needed		

Appendix "E – Continued"

PROCEDURE	DATE / TIME	OFFICER / I.D.
Contact SART and advise of pending arrival		
Take victim to SART equipped hospital		
Ensure department or Valley Trauma advocate at scene		
Monitor interview between nurse and victim		
Advise victim of Request for Confidentiality of Information / sign		
Seek victim's permission to release name to support services		
Sign OCJP form and gather evidence kit from nurse		
Arrange for alternate housing if needed		
Provide victim with support pamphlets and business card		
Read Title IX/VAWA Script for Police; Provide victim with Title IX Info Leaflet and Rights & Options Booklet; advise of Title IX process		
Advise victim of follow-up investigations		
Transport victim to desired location		
Book any DNA evidence in refrigerator		
Photograph / book any evidence obtained at crime scene		
Identify suspect		
Determine if appropriate to arrest suspect		
Conduct evidence exam of suspect		
Photograph / book suspect		
Complete arrest report		
Update shift supervisor		

SEXUAL ASSAULT RESPONSE FOR JUVENILE VICTIMS

Basic steps to follow:

Follow the outlined sexual assault response protocol.

Utilize the sexual assault checklist.

Notify the Department's child sexual abuse trained staff: either Det. Corporal Benavidez or Sgt. Yolanda Abundiz. The initial responding officer or sexual assault investigator (SAI) will determine if the juvenile should be interviewed by an officer of the same sex.

Ask the victim for consent to release their name to various support services personnel.

Parental notification:

Many victims request that the police do not notify their parents. There is no law stating that the parents must be notified, but it is advisable to encourage the juvenile to notify their parents at some point. Family support is crucial for the successful recovery from a sexual assault.

SART and The Valley Trauma Center are mandatory reporters of sexual assault / abuse. If a minor is seen, SART and VTC are required to notify the Department of Child Family Services (DCFS). When DCFS is notified, they will contact the parents of the victim.

Officers may ask the parent or guardian if they prefer to have the victim interviewed by an officer of the same sex. Parents or guardians may be allowed to sit in on the interviews if their presence would be helpful in the investigation.

Children fourteen years and younger:

When interviewing young children, it is permissible to use terminology that is familiar to the victim. Anatomically correct dolls should never be used.

In all serious cases of sexual assault of young children contact Detective Corporal Benavidez or Sgt. Abundiz. If they are not available, contact LAPD Devonshire Homicide Unit at (818) 832-0537 or 38 for guidance. If there is no answer at this number, contact the general number or front desk (24/7) at 818 832-0633.

Medical Treatment:

Transport to the CATS/SART exam-building, see CATS/SART protocol.

If the victim is twelve years or older, parental consent is not required for the evidentiary examination.

If there is known or suspected child abuse, parental consent for the exam is not required.

When a juvenile is injured and no parent or guardian is available, officers can give consent for medical treatment.

California State University,
NORTHRIDGE
Department of Police Services



REQUEST FOR CONFIDENTIALITY OF INFORMATION

Law enforcement authorities are required by law to release certain information on crime reports upon request, as a matter of public record. If someone asks for information on this crime report, your name will be released with the information unless you request that your name be kept confidential pursuant to Section 6254 of the Government Code.

By initialing the appropriate statement below and signing this form, you are informing law enforcement agencies and the courts of your choice for confidentiality.

<input type="text"/> <i>(Victim's Initials)</i>	I hereby exercise my right to confidentiality and request that my name not become a matter of public record pursuant to Section 6254 of the Government Code and 293 PC.
<input type="text"/> <i>(Victim's Initials)</i>	I hereby decline to keep my name confidential.
<input type="text"/> <i>(Officer's Initials)</i>	The victim is a minor without a parent or guardian present. The below signed authorized agent hereby exercises the right of privacy for the minor and requests that the victim's name not become a matter of public record pursuant to Section 6254 of the Government Code.

I, _____, advised victim (named below), that her/his name will become a matter of public record unless she/he requests that it be kept confidential.
(officer advising)

Name: _____

Race: _____ Sex: Female Male D.O.B. _____
Last First Middle Month/Day/Year

Residence Address: _____
Street City State Zip

University or Business Address: _____
Street City State Zip

Residence Phone #: (____) _____ University/Business #: (____) _____

Signature of Victim: _____

Reporting Officer's Name: _____	Date: ____/____/____	Time: _____
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SEXUAL ASSAULT INVESTIGATORS

The following individuals are specially trained as sexual assault investigators (SAI). These individuals are authorized as SAIs for the purposes of the Sexual Violence Response, Investigation, and Title IX policy.

Contact Phone Numbers for Sworn Staff Available From Dispatch

Deputy Chief Mark Benavidez
Lieutenant Rene Lino
Lt. Yolanda Abundiz
Sergeant Randell Abney

Structured Investigative Interview Protocol (Child Sexual Abuse)

Deputy Chief Mark Benavidez
Lieutenant Yolanda Abundiz

Campus Title IX/VAWA Coordinator

Barrett Morris, Director
Office of Equity & Diversity
University Hall Room 285
Office: (818) 677-2077
barrett.morris@csun.edu