

Operating Guidelines for Mono County Sexual Assault Response Team (SART)

(Revised 4-9-2019)

Law enforcement, prosecutors, victim advocates, and medical service providers recognize the benefit to victims of our community of a thorough investigation and successful prosecution of the sexual offender. To better provide for the needs of the victim, facilitate a timely investigation, collect and preserve obtainable evidence, and successfully prosecute all sexual offenders, the Sexual Assault Response Team (SART) program has been adopted by the Mono County District Attorney's Office, Mono County Sheriff's Office (MCSO), Mammoth Lakes Police Department (MLPD), California Highway Patrol (CHP) Bridgeport, Mono County Child Protective Services (CPS), Mono County Victim/Witness Assistance Program, Wild Iris Family Counseling & Crisis Center (Wild Iris), Mammoth Hospital, and the Washoe County Child Advocacy Center (WCCAC).

Teamwork, cooperation, communication and flexibility are essential for the success of the SART Program. To that end, each team member and the participating agencies have established the following guidelines for use.

SART consists of a peace officer(s) from the jurisdictional agency, an investigator and prosecutor from the Mono County District Attorney's Office, medical providers who will collect evidence from the victim's person, a victim advocate, and in cases where the alleged victim is under the age of 18 years and the involved suspect is a person residing in the victim's home or a non-custodial parent (or having access to the alleged victim), a CPS Social Worker. The SART approach provides a continuum of services for the sexual assault victim, which typically begins at the hospital when law enforcement is notified, an interview is conducted and, if determined to be necessary, a forensic medical evidentiary exam is conducted. Contact with the victim will continue with the victim advocate and law enforcement during the investigation and prosecution process. Each law enforcement SART member will have the required POST certified training, i.e., Sexual Assault and Child Sexual assault classes as assigned by their respective agency.

I. INITIAL RESPONSE

A. JURISDICTIONAL LAW ENFORCEMENT AGENCY

1. When a victim goes directly to Mammoth Hospital Emergency Department (ED) to make the first report, the ED staff will notify MLPD, who will respond to determine jurisdictional responsibility. If the alleged crime is identified to have occurred outside the incorporated area of Mammoth Lakes, MLPD will notify the appropriate jurisdictional law enforcement agency, e.g., MCSO, Inyo County Sheriff's Office or Bishop Police Department, and request its assistance.

2. Should the victim call 911, the law enforcement agency with jurisdictional responsibility will respond and investigate to reasonably determine whether a crime of sexual assault has likely occurred, determine location and time of the alleged offense and whether the alleged suspect is known or unknown to the victim.
3. Should the responsible investigating law enforcement agency determine a crime of sexual assault has likely occurred, they are to initiate the SART protocol by contacting their identified SART team member(s), who are from that point on, the responsible investigating SART member and an investigator from the Mono County District Attorney's Office, to relay the initial information obtained to determine whether a forensic medical exam is necessary.
4. If the investigating SART member determines that an immediate forensic exam and/or a post-exposure prophylaxis (PEP) assessment is necessary and the victim is not already at the Mammoth Hospital ED, then the responding officer/deputy will arrange for the transport of the victim to the ED. The responding officer/deputy will notify the ED charge nurse that a sexual assault victim will be arriving at the hospital within a specific period and whether a forensic exam is needed.
 - For victims 13 years old or under, the evidentiary exam and forensic interview will be conducted at WCCAC. SART members will be responsible for making the necessary arrangements. Refer to SART contacts for contact information. (*Forensic Interviews may be done for anyone under the age of 18 at WCCAC.*)
 - Under certain circumstances adults (or children 14 years and over) may at the discretion of the SART members be taken to WCCAC. This decision will be made on a case by case basis by the SART members considering the nature of the alleged crime, whether the perpetrator is known or unknown, elapsed time since the event, perishability of the evidence, ED staffing and patient census, skill and experience of the medical evidence collectors, time of day, road and weather conditions, transportation availability and victim's preference.
5. Pursuant to California Penal Code Section 679.04 and at the request of the victim, the investigating SART member will notify the victim advocate from the Mono County District Attorney's Office (*Sarah Gillespie 760-920-7290*).
6. The victim advocate will accompany the victim throughout the evidence collection and/or interview process. The victim may also request a support person of the victim's choosing in addition to the advocate. Only the victim may decline a victim advocate or support person, unless the victim advocate or support person interferes with the forensic exam and/or interview process, in which case they may be excluded.
7. The investigating SART member, the medical evidence collectors, the ED charge nurse, and the victim advocate will meet the officer/deputy and victim at the hospital ED to develop and carry out a specific plan for medical assessment and medical evidence collection.

8. When the victim needs immediate medical care, he/she is handled as any other medical emergency pursuant to departmental/agency policy. A medical screening exam and PEP counseling, testing, and treatment will be managed by the Emergency Department staff.
9. Generally, in sexual assault cases disclosed beyond five (5) days after the assault, a daytime examination may be scheduled. This will be determined on a case by case basis.
 - a. Effective April 15, 2018 the evidence collection suggested timeframe has been changed for performing Sexual Assault Forensic Exams from 72 hours (generally) to;
 - i. Vaginal and Anal 5 days (120 hours)
 - ii. Cervical 5 days (120 hours)
 - iii. Oral 24 hours
 - iv. Urine toxicology 5 days (120 hours)
 - v. Blood alcohol 24 hours
10. The responding officer/deputy shall limit the initial interview to those questions necessary to reasonably establish that a crime has been committed and to obtain crucial evidence regarding the crime and the alleged assailant. Once the exam is concluded, the investigating SART member, victim advocate, or the initial responding officer/deputy from the law enforcement agency transports the victim and family, if appropriate, to their home or other determined destination if home is not a safe place.
 - If the victim is 13 years old or under, the responding deputy/officer shall not question or interview the alleged victim if there was a disclosure to an adult and/or mandated reporter. The child victim will be interviewed by either the Mono County Forensic interview team (CPS) or taken to WCCAC as determined by the investigating SART member. The decision whether to use CPS or WCCAC for the child forensic interview will be determined on a case by case basis, based upon when the alleged assault occurred compared to when the disclosure was made. Where a disclosure is made a significant amount of time after the assault, when no medical physical findings are expected to be found, the interview will generally be conducted by CPS unless determined otherwise.

B. Suspect Medical Examinations

1. If the investigating SART member determines a suspect forensic exam is needed, they will notify the Mammoth Hospital ED charge nurse that the suspect of a sexual assault will be arriving at the hospital within a specific period and whether a suspect evidence collection is needed.
 - OCJP 2-950: Forensic Medical Report, Sexual Assault Suspect Examination has been developed to facilitate a standardized evidential examination for male subjects. In the event a female is the suspect it is recommended that the OCJP 2-

923 Forensic Medical Report for Acute Adult/Adolescent Examinations be used and modified as needed.

2. Suspect examinations will yield more useful information if conducted within hours of the alleged assault. In most circumstances a general guideline for conducting suspect exams is within 5 days of the alleged incident. Injuries such as lacerations, bruises, and bites, however, can be observed after a longer period. The longevity of most evidence is dependent on activities of the suspect after the assault such as bathing, changing clothes, etc. For these reasons, 5 days should not be viewed as a rigid cut-off and professional judgement should be used.
3. If the victim is also at the ED while the suspect is being brought in, special consideration should be made for the victim and suspect not to see or have contact with one another. It may be necessary to arrange for appropriate rooms or times for the examinations to prevent contact between them.
4. If the suspect is unwilling to consent to the examination, a search warrant will be sought to collect evidence such as dried secretions, foreign material and blood samples for alcohol and/or drug analysis. Suspects should be given the respect and the medical treatment that any patient deserves. Evidence obtained from the suspect examination may help prove innocence or confirm guilt.
5. If the suspect is physically resisting during the examination, only the amount of force necessary to safely restrain the suspect to collect the evidence in a medically approved manner shall be applied.

C. CONSENT- Children/Minors

Suspected Child Abuse: Non-consenting parents

1. A minor who may have been sexually assaulted or raped may consent to medical care related to the diagnosis, treatment and the collection of medical evidence. The professional person providing medical treatment shall attempt to contact the minor's parent or guardian and shall note in the minor's treatment record the date and time the professional person attempted to contact the parent or guardian and whether the attempt was successful or unsuccessful. This does not apply if the professional person reasonably believes that the minor's parent or guardian committed the sexual assault on the minor. (Cal. Family Code § 6927, 6928 and 6929).
2. A minor who has a condition or injury which is considered an emergency, as defined by applicable law, but whose parent or guardian is unavailable to give consent is permitted to give consent for medical services.

3. A minor may consent to medical care related to the prevention or treatment of pregnancy, however this does not authorize a minor to be sterilized without the consent of the minor's parent or guardian or to receive an abortion without the consent of a parent or guardian other than as provided in Section 123450 of the Health and Safety Code.

D. MEDICAL EVIDENCE COLLECTION

1. The physicians and nurses of the Mammoth Hospital ED, whether or not they have forensic training, collect physical evidence from the persons of the victim and of the alleged assailant while guided by the appropriate California Emergency Management Agency (CalEMA) forms. These medical providers are members of the Mono County SART team.
2. The ED staff may also collect photographic evidence, which is then promptly passed along to the investigating SART members.
3. Mammoth Hospital will collect a prearranged set fee from the corresponding local law enforcement agency (MLPD or MCSO) for performing the evidence collection. Mammoth Hospital will not bill for the medical screening exam, antibiotics, x-rays, or other medical costs related to this ED visit. In no case should the victim receive a bill.

E. VICTIM ADVOCATE

1. Victim advocates are certified rape crisis counselors according to California Evidence Code (EC) 1035.2 and must abide by strict confidentiality laws. (see EC 1035-1036.2)
2. Victim advocates should be called by the jurisdictional law enforcement agency upon that law enforcement's determination that a crime has likely occurred or by the investigating SART member. In order to provide a continuum of care through the court process an attempt to contact the victim advocate from the Mono County District Attorney's office shall be conducted.
3. When the victim advocate arrives at the hospital, the ED staff member or other SART member explains the supportive role of the victim advocate to the victim. Once the victim has given their consent, the victim advocate may stay with the victim, unless or until the victim withdraws said consent or law enforcement determines the victim advocate or support person is interfering with the forensic exam and/or interview process.
4. Victim advocates are available through the Mono County District Attorney's Office and/or Wild Iris on an on-call basis 24 hours a day, to provide accompaniment, crisis counseling, advocacy, among other services to sexual assault victims at the hospital.

II. THE INTERVIEW

A. LAW ENFORCEMENT

1. The investigating SART member is responsible for the complete investigative interview with the victim, any potential witnesses, as well as the booking of any evidence collected.
2. The investigating SART member determines the timing of the investigative interview and location. The investigating member should consider the victim's well-being, the urgency of the investigation, and the ability to preserve evidence (emergent verse non-emergent) when making the determination on whether, when, and to what extent to interview the victim.
3. The interview of the victim when conducted by the investigating SART team at the hospital, should include, whenever possible, the medical evidence collector and the advocate. In addition, the investigator should immediately contact CPS to coordinate a social worker's presence for the interview when the victim is under the age of 18 years and the allegations have been made against someone residing in their home, a non-custodial parent or someone having access to the alleged victim. This is done to eliminate the need for repeated questioning of the victim and to foster a supportive setting for the victim. For those non-emergent cases of late disclosure, the forensic interview will be conducted by a trained forensic interviewer, video recorded and monitored by the investigating SART member. For emergent cases involving victims 13 years old or under the forensic interview will most likely be done at the Washoe County Child Advocacy Center or by a trained Mono County forensic interviewer (CPS).
4. If, for some reason, the medical evidence collector is not present during the interview, the investigating SART team member will make reasonable efforts to relay any relevant information to the medical evidence collector prior to the evidentiary exam.

B. MEDICAL EVIDENCE COLLECTORS

1. The primary focus of the medical evidence collector in the interview process is to obtain and fully document a structured history. The examiners are to limit the questions only to what is contained in the CalEMA form, and what is necessary to provide appropriate medical care.
2. The medical evidence collectors shall seek to obtain all information required for the applicable CalEMA form.

C. VICTIM ADVOCATE

1. The victim advocate is there for the support and comfort of the victim and to educate the victim regarding the investigative process.

2. Victim advocates should be present during all stages of the SART process, if requested by the victim. The victim advocate or support person may be excluded from the interview process if the SART team member determines the presence of that person interferes with the interview.

III. EVIDENCE COLLECTION

A. LAW ENFORCEMENT

1. The investigating SART member makes the decision whether to sign the authorization for evidence collection, based upon the initial officer/deputy's reasonable determination whether a crime has likely occurred. If the investigating SART member elects to sign, he/she is thereby authorizing payment by his/her respective law enforcement agency for medical evidence collections only, not to include management of any medical conditions which may be discovered during the overall examination.
2. The victim may decline any part or all of the procedure.
3. The investigating SART member receives the evidence from the medical evidence collectors, noting the chain of evidence.
4. The SART Investigator/detective secures all evidence per his/her agency's policies within the respective agencies evidence locker.

B. MEDICAL EVIDENCE COLLECTORS

1. The medical evidence collectors are responsible for the collection of evidence and documentation in accordance with the California Medical Protocol for Examination of Sexual Assault and Child Sexual Abuse Victims.
2. The medical evidence collectors maintain chain of custody/control of evidence until such evidence is relinquished to law enforcement personnel.

C. VICTIM ADVOCATE

1. The advocate or support person can be present during the forensic medical exam if requested by the victim.
2. The victim advocate may not be asked to leave at any point in the interview/medical process if the victim wishes the advocate to remain; unless the investigating SART member determines the advocate or support person is interfering with the forensic exam and/or interview process.

IV. REPORT

A. LAW ENFORCEMENT

1. The initial responding law enforcement agency is responsible to document his/her initial response, evidence collected, and the actions taken.
2. The responding law enforcement agency shall attempt to obtain a signed release of medical information from the victim relevant to the criminal investigation.
3. The law enforcement officer taking the report must notify the victim of his/her rights and take note of the victim's response throughout the process.
 - a) The law enforcement officer must notify the victim of his/her right to request that his/her name not be treated as a public record under California Government Code section 6254. (California Penal Code section 293.)
 - b) Law enforcement will also provide victims with relevant Domestic Violence/Sexual Assault information, either verbally or by means of an informational card or pamphlet, as appropriate for the condition of the victim and the overall circumstances pursuant to their respective agency policy.

B. MEDICAL EVIDENCE COLLECTORS

1. The medical evidence collectors do not write any reports for the criminal justice process. The medical evidence collectors are responsible for completing any applicable CalEMA forms to document medical findings and the hospital record for the medical treatment relating to those findings.

C. VICTIM ADVOCATE

1. The victim advocate does not write any reports for the criminal justice process.

V. FOLLOW-UP CONTACT

A. LAW ENFORCEMENT

1. The investigating SART team member may elect to have follow-up contact with the victim, to promote the successful investigation and prosecution of the crime. The investigating SART member will include the CPS social worker and the victim advocate in this process if necessary and when applicable.

B. MEDICAL EVIDENCE COLLECTOR

1. The treating physician provides information and referral for any needed medical follow-up (e.g., STI Treatment, HIV testing, etc.)
2. The treating physician will prescribe, as deemed medically necessary, sexually transmitted infection (STI) treatment and pregnancy prophylaxis to the victim.

C. VICTIM ADVOCATE

1. If the victim consents, the victim advocate shall contact the victim by phone within three working days or as soon as reasonably practicable, after the evidentiary exam and again within ten working days after the exam or as soon as reasonably practicable, to provide continued emotional support, information, and referral to community resources.

VI. PROSECUTION

A. DISTRICT ATTORNEY

1. The Mono County District Attorney's Office (DA) has the responsibility to determine if there is enough evidence to support criminal charges.
2. The DA is available for advice and consultation relating to the criminal case.
3. The DA Investigators will be available to assist jurisdictional law enforcement during the investigation and to coordinate all investigative efforts with the prosecuting attorney.

B. VICTIM/WITNESS COORDINATOR

1. The Victim advocate is the liaison between the victim and the entire criminal justice system, along with the Wild Iris rape crisis advocate. With the consent of the victim, the Victim advocate will provide advocacy for a victim and the victim's family throughout the SART process, including court proceedings.
2. Once the interview is completed the Victim advocate will start the process of filing a Victims of Crime Compensation claim for the victim and his or her entire family.
3. The Victim/Witness advocate can be a support person for the victim and family, before, during and following the investigation and with the consent of the victim and family.

SART Members Contact Info

- Mono County Dispatch- (760)932-7549 ext. 7
- Washoe County Child Advocacy Center (WCCAC) 775-284-2750- (2097 Longley Ln, Reno, NV 89502)
 - For non-urgent child forensic interviews (13 years old or younger) call Rachelle or Lisa during business hours to schedule at 775-284-2750. All non-urgent out of county interviews are scheduled for every Wednesday.
 - For urgent CARES (Child medical Exam) or forensic interview call 775-527-4647
 - To schedule Adult SART exam (14 or older) between 6am-6pm call 775-742-2596
 - To schedule Adult SART exam (14 or older) after hours 6pm- 6am call 775-742-5266
- Mono County District Attorney's Office
 - Assistant District Attorney Dave Anderson- (714) 330-4172
 - Chief DA Investigator Chris Callinan- (530) 392-6282
 - DA Investigator John Estridge- (760) 209-3318
 - Sarah Gillespie (*Victims Witness Advocate available 24/7*)- (760) 920-7290
- Mono County Sheriff's Office
 - Sgt. Mark Hanson- (760) 965-6260
 - Deputy Nino Hernandez- (775) 291-4252
 - Deputy Brent Gillespie- (760) 784-0663
 - Deputy Stephanie Chavez- (760) 221-8991
- Mammoth Lakes Police Department
 - Sgt. Dan Casabian- (760)-709-0714
 - Officer Kevin Reynolds- (760) 937-5187
 - Officer Brian Madera- (760)920-4828
 - Officer Daniel Hansen- (760) 709-0950
- California Highway Patrol
 - Sgt. Brad DeGeus- (760)495-2182
 - Officer Justin Weldon- (530)277-1518

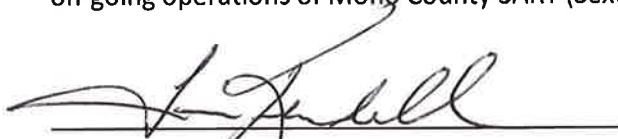
- Mono County Child Protective Services
 - Michelle Raust- (760) 709-0797
 - Krista Cooper-(760) 920-1473
 - Rose Martin- (760) 709-1409

- Mammoth Hospital
 - Emergency Department- (760)924-4076
 - Dr. Chris Hummel- (760) 937-5678 or (760) 924-8008
 - RN Lori Baitx- (760) 920-1866
 - RN Allison Miller- (909) 362-1188

Mono County Sexual Assault Response Team Statement

This non-binding statement recognizes that the undersigned intend to work together as a multidisciplinary team toward the mutual goal of providing maximum available assistance for victims of sexual assault in Mono County. Its goal is to reduce the number of interviews of each sexual assault victim, as well as promote inter-agency cooperation between agencies for criminal investigations of sexual assault.

The following agencies agree to participate in, and work cooperatively toward, the implementation and on-going operations of Mono County SART (Sexual Assault Response Team).



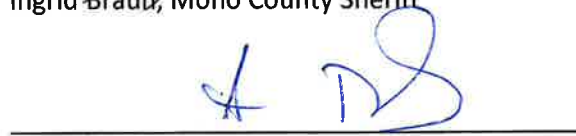
Tim Kendall, Mono County District Attorney

Date: 4-21-19



Ingrid Braun, Mono County Sheriff

Date: 4.18.19



Al Davis, Mammoth Lakes Police Chief

Date: 4-24-19

Al Davis, Mammoth Lakes Police Chief



Tom Parker, Mammoth Hospital CEO

Date: 4/24/19

Tom Parker, Mammoth Hospital CEO



Kathy Peterson, Mono County Social Services Director

Date: 4/24/19

Kathy Peterson, Mono County Social Services Director



Chuck Mairs, Bridgeport CHP Commander

Date: 04/23/19

Chuck Mairs, Bridgeport CHP Commander