



**OFFICE OF THE DIRECTOR OF POLICE  
THE UNIVERSITY OF TEXAS SYSTEM  
POLICY AND PROCEDURE MANUAL**



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| Subject<br><b>Sexual Assault Response and Investigation</b>   |                                   |                               | Policy Number<br><b>421</b> |
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| Reference Standards<br>Texas Government Code Chapter 420<br>Texas Government Code Chapter 56<br>Texas Family Code Chapter 71<br>(2021) 87th state legislature, HB 1172 and HB 2706<br>IACP Model Policy “Investigating Sexual Assaults”<br>Sexual Assault Family Violence Investigators Course (SAFVIC)<br>Office of the Attorney General, Texas Evidence Collection Protocol, SAPCSD, 1998<br>Code of Criminal Procedure Articles 2.30, 5.05, 56.06, 56.021, 56.045 57.07, 57.02 (d) &, 38.435<br>Texas Penal Code, Articles 22.011, 22.021 & 42.072<br>End Violence Against Women International (EVAWI)<br>Texas Department of Public Safety Physical Evidence Handbook Version:02<br><a href="#">The Blueprint for Campus Police: Responding to Sexual Assault</a> , Institute for Domestic Violence and Sexual Assault (IDVSA), School of Social Work, University of Texas at Austin<br>National Forensic Science Technology Center, Crime Scene Investigation Guide, 2013<br>Blind Reporting of Sexual Violence, FBI Law Enforcement Bulletin<br>Texas Association Against Sexual Assault (TAASA) Published Research and Guidance, et al |                                   |                               |                             |

**I. PURPOSE**

The purpose of this policy is to reaffirm the commitment of the University of Texas System Police to appropriately respond to and investigate reports of sexual assaults. The victimization associated with sexual assault is profound, particularly destructive and life-altering. It is both a moral imperative and a professional obligation of law enforcement to ensure the investigation of such offenses is complete, empathetic, informed and reflective of the best practices developed for such inquiries. This policy provides officers and investigators with guidelines for responding to and investigating reports of sexual assaults; assisting victims; collaborating with local health and service agencies, and conducting interviews with victims, witnesses, and suspects. The guidance in this policy ranges from broad philosophical guiding principles to specific protocols to be followed in the field and relies on established best practices, national standards and contemporary scientific research. In some sections, crucial guidance and steps are re-stated due to their inherent criticality and importance.

Definitions and Statutory language in this policy are denoted by italics.

## II. POLICY

It is the policy of the UT System Police to investigate sexual assault offenses in a responsible, trained and professional manner. These investigations shall be fair, objective, victim-centered and trauma-informed.

A victim's distress may create an inability or unwillingness to assist in a criminal investigation. Officers and investigators play a significant role in both the victim's willingness to participate in the investigation and ensuring the ability of the victim to cope with the emotional and psychological consequences of the offense. Therefore, it is critically important that these investigations be conducted from an objective and a nonjudgmental perspective so as not to communicate in any way to a victim, implicitly, by inference or explicitly, that the victim is in some way responsible for the offense.

The Office of the Director of Police is available to provide training on this policy at institution police departments upon request.

## III. DEFINITIONS

### Texas Penal Code

#### **SEXUAL ASSAULT** (*Texas Penal Code § 22.011*)

(a) *A person commits an offense if the person:*

(1) *intentionally or knowingly:*

(A) *causes the penetration of the anus or sexual organ of another person by any means, without that person's consent;*

(B) *causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or*

(C) *causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; or*

(2) *intentionally or knowingly:*

(A) *causes the penetration of the anus or sexual organ of a child by any means;*

(B) *causes the penetration of the mouth of a child by the sexual organ of the actor;*

(C) *causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor;*

(D) *causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or*

(E) *causes the mouth of a child to contact the anus or sexual organ of another person, including the actor.*

(b) *A sexual assault under Subsection (a)(1) is without the consent of the other person if:*

(1) *the actor compels the other person to submit or participate by the use of physical force or violence;*

(2) *the actor compels the other person to submit or participate by threatening to use force or violence against the other person, and the other person believes that the actor has the present ability to execute the threat;*

(3) *the other person has not consented, and the actor knows the other person is unconscious or physically unable to resist;*

(4) *the actor knows that as a result of mental disease or defect the other person is at the time of the sexual assault incapable either of appraising the nature of the act or of resisting it;*

(5) *the other person has not consented, and the actor knows the other person is unaware that the sexual assault is occurring;*

(6) *the actor has intentionally impaired the other person's power to appraise or control the other person's conduct by administering any substance without the other person's knowledge;*

- (7) the actor compels the other person to submit or participate by threatening to use force or violence against any person, and the other person believes that the actor has the ability to execute the threat;*
- (8) the actor is a public servant who coerces the other person to submit or participate;*
- (9) the actor is a mental health services provider or a health care services provider who causes the other person, who is a patient or former patient of the actor, to submit or participate by exploiting the other person's emotional dependency on the actor;*
- (10) the actor is a clergyman who causes the other person to submit or participate by exploiting the other person's emotional dependency on the clergyman in the clergyman's professional character as spiritual adviser; or*
- (11) the actor is an employee of a facility where the other person is a resident, unless the employee and resident are formally or informally married to each other under Chapter 2, Family Code.*

*(c) In this section:*

- (1) "Child" means a person younger than 17 years of age who is not the spouse of the actor.*
- (2) "Spouse" means a person who is legally married to another.*

**AGGRAVATED SEXUAL ASSAULT.** *(Texas Penal Code §22.021)*

*(a) A person commits an offense:*

*(1) if the person:*

*(A) intentionally or knowingly:*

- (i) causes the penetration of the anus or sexual organ of another person by any means, without that person's consent;*
- (ii) causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or*
- (iii) causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; or*

*(B) intentionally or knowingly:*

- (i) causes the penetration of the anus or sexual organ of a child by any means;*
- (ii) causes the penetration of the mouth of a child by the sexual organ of the actor;*
- (iii) causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor;*
- (iv) causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or*
- (v) causes the mouth of a child to contact the anus or sexual organ of another person, including the actor; and*

*(2) if:*

*(A) the person:*

- (i) causes serious bodily injury or attempts to cause the death of the victim or another person in the course of the same criminal episode;*
- (ii) by acts or words places the victim in fear that any person will become the victim of an offense under Section 20A.02(a)(3), (4), (7), or (8) or that death, serious bodily injury, or kidnapping will be imminently inflicted on any person;*
- (iii) by acts or words occurring in the presence of the victim threatens to cause any person to become the victim of an offense under Section 20A.02(a)(3), (4), (7), or (8) or to cause the death, serious bodily injury, or kidnapping of any person;*
- (iv) uses or exhibits a deadly weapon in the course of the same criminal episode;*
- (v) acts in concert with another who engages in conduct described by Subdivision (1) directed toward the same victim and occurring during the course of the same criminal episode; or*

- (vi) administers or provides flunitrazepam, otherwise known as rohypnol, gamma hydroxybutyrate, or ketamine to the victim of the offense with the intent of facilitating the commission of the offense;
- (B) the victim is younger than 14 years of age; or
- (C) the victim is an elderly individual or a disabled individual.

**STALKING** (Texas Penal Code § 42.072)

- (a) A person commits an offense if the person, on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at another person, knowingly engages in conduct, including following the other person, that:
- (1) the actor knows or reasonably believes the other person will regard as threatening:
    - (A) bodily injury or death for the other person;
    - (B) bodily injury or death for a member of the other person's family or household; or
    - (C) that an offense will be committed against the other person's property;
  - (2) causes the other person or a member of the other person's family or household to be placed in fear of bodily injury or death or fear that an offense will be committed against the other person's property; and
  - (3) would cause a reasonable person to fear:
    - (A) bodily injury or death for himself or herself;
    - (B) bodily injury or death for a member of the person's family or household; or
    - (C) that an offense will be committed against the person's property.
- (b) An offense under this section is a felony of the third degree, except that the offense is a felony of the second degree if the actor has previously been convicted under this section.
- (c) In this section, "family," "household," and "member of a household" have the meanings assigned by Chapter 71, Family Code.

**Texas Family Code**

**DATING VIOLENCE** (Texas Family Code § 71.0021) "Dating Violence means an act, other than a defensive measure to protect oneself, by an actor that:

- (1) is committed against a victim:
    - (A) with whom the actor has or has had a dating relationship; or
    - (B) because of the victim's marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage; and
  - (2) is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the victim in fear of imminent physical harm, bodily injury, assault, or sexual assault.
- (b) For purposes of this title, "dating relationship" means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of:
- (1) the length of the relationship;
  - (2) the nature of the relationship; and
  - (3) the frequency and type of interaction between the persons involved in the relationship.
- (c) A casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a "dating relationship" under Subsection (b).

**FAMILY** (Texas Family Code § 71.003) "Family" includes individuals related by consanguinity or affinity, as determined under Sections 573.022 and 573.024, Government Code, individuals who are former spouses of each other, individuals who are the parents of the same child, without regard to marriage, and a foster child and foster parent, without regard to whether those individuals reside together.

**FAMILY VIOLENCE** (Texas Family Code § 71.004) “Family violence” means:

- (1) An act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself;
- (2) Abuse, as that term is defined by Sections 261.001 (1) (C), (E), and (G), by a member of a family or household toward a child of the family or household; or
- (3) Dating violence, as that term is defined by Section 71.0021.

**HOUSEHOLD** (Texas Family Code § 71.005) “Household” means a unit composed of persons living together in the same dwelling, without regard to whether they are related to each other.

**MEMBER OF A HOUSEHOLD** (Texas Family Code § 71.006) “Member of a household” includes a person who previously lived in a household.

**Texas Government Code**

**ADVOCATES FOR SURVIVORS OF SEXUAL ASSAULT** (Texas Government Code § 420.051)

An individual may act as an advocate for survivors of sexual assault for the purposes of Article 56.045/56A.351, Code of Criminal Procedure, if the individual has completed a sexual assault training program certified by the attorney general and is an employee or volunteer of a sexual assault program.

**SEXUAL ASSAULT EXAMINER** (Texas Government Code § 420.003, 5) means a person who uses an attorney general-approved evidence collection kit and protocol to collect and preserve evidence of a sexual assault or other sex offense.

**SEXUAL ASSAULT NURSE EXAMINER (SANE)** (Texas Government Code § 420.003, 6) means a registered nurse who has completed an attorney general-approved examiner training course described by Section 420.011 and who is certified according to the minimum standards prescribed by attorney general rule.

**SEXUAL ASSAULT FORENSIC EXAM (SAFE)** is a medical/forensic exam that includes a physical exam, genital exam, and collection of swabs and samples to preserve evidence of a sexual assault.

**INVESTIGATOR**, as used in this policy can include the responding officer, an investigator/detective depending on the capabilities of that particular institutional police department, or a Police Inspector assigned under the authority of the Office of the Director of Police.

**CRIME VICTIM’S COMPENSATION** is a program that is administered by the Office of the Attorney General and is dedicated to ensuring that victims of violent crime are provided financial assistance for crime-related expenses that cannot be reimbursed by insurance or other sources.

#### **IV. MANDATED TRAINING FOR POLICE OFFICERS INVOLVED IN SEXUAL ASSAULT INVESTIGATIONS**

##### **1. TEXAS EDUCATION CODE, SEC. 51.288 REQUIRES ALL “PEACE OFFICERS” EMPLOYED BY AN INSTITUTION TO COMPLETE TRAINING ON “TRAUMA INFORMED INVESTIGATION” INTO ALLEGATIONS OF SEX HARASSMENT, SEXUAL ASSAULT, DATING VIOLENCE, AND STALKING. COURSES LISTED BELOW WILL MEET THE CRITERIA OF “TRAUMA INFORMED INVESTIGATION”<sup>1</sup>**

- A. TCOLE Trauma Informed / Sexual Assault Investigation Courses (#470- 8 hr course or #4070 24 hr course) Sexual Assault Family Violence Investigator Course (SAFVIC)
- B. Neurobiology of Sexual Assault PowerPoint (Appendix 1)
- C. Victim-Centered Interviewing & Forensic Interviewing for Adults and Juvenile Victims
- D. The University of Texas at Austin, School of Social Work, Institute on Domestic Violence & Sexual Assault, Blueprint for Law Enforcement, a collaboration with ODOP
- E. Training support provided by the Office of the Director of Police

#### **V. PROCEDURES, ROLES AND THE INFLUENCES OF NEUROBIOLOGY**

##### **A. Dispatcher or Call-Taker Response**

1. The current state of knowledge on trauma and neuroscience indicates that there is no typical or normal reaction to trauma. The literature on trauma indicates that human beings experience trauma along a continuum including the most serious in which individuals experience their lives feeling threatened. These life-threatening experiences may include car accidents, acts of war, intimate partner violence, officer involved shooting, and sexual assault. These trauma responses have similarities and differences, and there is no one reaction considered a ‘classic’ reaction. For sexual assault victims, behaviors may include hysteria, crying, rage, laughter, calmness, and unresponsiveness. There is no one typical reaction to sexual assault trauma. Law enforcement should expect a range of responses from sexual assault victims including from complete calm to crisis.<sup>2</sup>
2. To ensure critical evidence is not lost, communications personnel shall:<sup>3</sup>
  - a) Inquire whether the victim has bathed, engaged in personal hygiene, urination or other bodily functions that might have altered the physical evidence that may be present and advise the victim against doing so.
  - b) Request that the victim use a clean jar to collect the urine should the victim have to urinate prior to the officer’s arrival

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<sup>1</sup> Texas Education Code, Section 51.288

<sup>2</sup> Published Research and Guidance, et al, Institute for Domestic Violence and Sexual Assault (IDVSA), School of Social Work, University of Texas at Austin, Noël Busch-Armendariz, PhD, LMSW, MPA Professor & Associate Dean for Research and Caitlin Sulley, LMSW Research Project Director

<sup>3</sup> Ibid, IACP Model Policy, Investigating Sexual Assaults

- c) Explain to a victim that even though they may have inadvertently altered the physical evidence by bathing, urinating or personal hygiene, that physical evidence may remain and can still be identified and recovered.
- d) Explain to the caller that these questions will not delay an officer's response to the caller's location
- e) Ensure that the digital recording of the initial call is preserved for the investigating officer(s).

B. Patrol Response<sup>4</sup> (The on-scene observations will guide the sequence of actions)

1. Evaluate the scene for witnesses, vehicles, or physical evidence involved as well as any ongoing threat.
2. Make contact with the victim as soon as possible to address safety and security concerns and summon emergency medical assistance as needed.
3. Disseminate all vital information to other responding officers and supervisors, including any language or communication barriers that are anticipated or may be encountered.
4. Secure the crime scene to ensure that evidence is not lost, altered, or contaminated.
5. If applicable and available, request investigative assistance from investigators/detectives, field evidence technicians, crime laboratory personnel or the Office of the Director of Police.
6. Ensure that any potential witness who could have possibly been present at the time of the assault, in contact with the victim, or potentially having seen or spoken with the victim before, during, or after the assault, is interviewed.
7. Ensure a coordinated response when an immediate investigative lead is identified.

C. Assisting and Supporting the Victim<sup>5</sup>

1. Respect the dignity of the victim and demonstrate understanding, patience, empathy and consideration for the victim with a commitment to the establishment of trust and rapport.
2. Research findings regarding the impact of sexual assault victim cooperation and officer/victim gender congruency is relatively unexplored. Some victims may be better engaged by an officer of the same gender while with other victims the officer's gender may not make a difference in their ability to engage in the investigative process. However, the research is very clear that sexual assault victims are more likely to cooperate in the investigative process when they have been engaged by a non-judgmental and understanding patrol officer and investigator.<sup>6</sup>

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<sup>4</sup> Ibid, IACP Model Policy, Investigating Sexual Assaults

<sup>5</sup> Ibid, IACP Model Policy, Investigating Sexual Assaults

<sup>6</sup> Ibid, Published Research and Guidance, et al, Institute for Domestic Violence and Sexual Assault (IDVSA), School of Social Work

3. Contact an Advocate for Sexual Assault victims as soon as possible to provide assistance throughout the reporting and investigative process. Note that certain communications between an advocate and a victim are protected/confidential; Texas Government Code §420.071 and §420.072 provide guidance for investigators on these issues. (Appendix 2)
4. The initial or first responding officer should limit the preliminary interview of the victim to the gathering of the necessary information to ensure an appropriate and coordinated law enforcement response. Efforts should be made to avoid asking the victim the same questions regularly asked during follow up interviews which could potentially re-traumatize the victim. Exceptions to this protocol would be in a circumstance in which a victim is comfortable in completely disclosing the offense in detail, a situation in which the initial or first responding officer will also be responsible for the entire investigation or exigent circumstances prevail.
5. A thorough and professional response will contribute to the victim's trust and confidence in the criminal justice system, ensure continued engagement, and demonstrates the commitment of the responding officers, all of which are critical elements of an investigation, particularly at this time in the chronology of events.

D. Protection of Crime Victims' Rights<sup>7</sup>

1. Throughout the investigation of the case, officers shall ensure the protection of the confidentiality and privacy of the victim to the maximum extent possible by law and policy including the use of a pseudonym.
2. In addition, victims shall be provided information regarding:
  - a) The rights of a crime victim as defined in the Code of Criminal Procedure, Chapter 56, Articles 56.021 and 56.045/56A.351.
  - b) Methods by which to contact police if harassment or intimidation by the suspect(s) is anticipated by the victim, actually occurs, or is threatened.
  - c) An explanation as what portions of the offense report may be subject to public information or open records disclosure upon request and what portions are protected from disclosure as required by CCP, Art. 57.02 (Appendix 3)

E. Preliminary Victim Interview<sup>8</sup>

Our understanding of neurobiology and the impact of trauma indicates that sexual assault victims will often have difficulty with recalling details of the assault. Therefore, sexual assault investigations typically include both a preliminary and subsequently more detailed and focused interview with the victim. It will be very important to explain this multi-stage process to victims. Understand that the victim, because of the trauma may also have difficulty retaining the investigative process information. While gathering details of the

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<sup>7</sup> Ibid, IACP Model Policy Investigating Sexual Assaults

<sup>8</sup> Ibid, Published Research and Guidance, et al, Institute for Domestic Violence and Sexual Assault (IDVSA), School of Social Work

assault, it is important that the investigator is using a trauma-informed protocol and checking to be sure that the victim is emotionally stable to proceed. Checking in with the victim, subsequent investigative sessions, a law enforcement-based victim advocate, and referrals to counseling and other services should be considered as positive strategies for victim protection and support.

1. Involve an Advocate for Sexual Assault Survivors<sup>9</sup>

- a. Before conducting an interview with a victim reporting a sexual assault, the peace officer conducting the interview shall offer the victim the opportunity to have an advocate from a sexual assault program.
- b. If a Sexual Assault advocate is not available at the time of the interview, the peace officer conducting the interview shall offer the victim the opportunity to have a crime victim liaison from the law enforcement agency or a victim's assistance counselor from a state or local agency or other entity be present with the victim during the interview.
- c. An advocate, liaison, or counselor authorized to be present during an interview under this article may only provide the victim reporting the sexual assault with:
  - (1) counseling and other support services; and
  - (2) information regarding the rights of crime victims
- d. A peace officer or law enforcement agency that provides an advocate, liaison, or counselor with access to a victim reporting a sexual assault is not subject to civil or criminal liability for providing that access.
- e. It is often helpful to allow advocates to introduce themselves to the victim, thus facilitating the opportunity to build rapport, mutual trust and understanding. If the victim declines assistance from an advocate, the investigator shall provide the victim with written referrals for community resources specifically designed to assist victims of sexual assault, including the contact information for victims' advocates should the victim seek such support at some point in the future (Appendix 4).

2. Victim Interview Protocol

- a) Based on the length of time between the assault and report of the offense and the victim's personal experience, the victim is likely to be in crisis and experiencing a form of post-trauma related symptoms and exhibiting a range of behaviors that will likely change over time.<sup>10</sup>
- b) The responses of the victim to the trauma and associated impact of a sexual assault shall not be relied upon to measure or evaluate the credibility of the victim. In circumstances where drugs or alcohol may be elements of the offense or factors in the offense (e.g., Alcohol facilitated sexual assault and drug facilitated sexual assault), the victim may have limited recollection or be unable to give a complete account of the offense. The

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<sup>9</sup> Code of Criminal Procedure, Art. 56.045/56A.351

<sup>10</sup>Ibid, Published Research and Guidance, et al, Institute for Domestic Violence and Sexual Assault (IDVSA), School of Social Work

victim may not be able to recall the events in sequential order and should not necessarily be expected to give a linear account of the assault. The recall difficulty may be explained by the impact of the trauma of the assault (the neurobiology of the brain). With time and support, some victims may be able to recall additional details over time. The preliminary interview referenced above should be conducted promptly, assuming that the victim is physically able to participate in such an interview and willing and prepared to do so.<sup>11</sup>

3. Investigators shall:

- a) Use a calm, compassionate, empathetic demeanor which will help the victim to feel comfortable and safe to recount what has occurred.
- b) Allow the victim to express their feelings and emotions.
- c) Remain patient and objective while listening to the account of the victim
- d) Not necessarily expect a coherent timeline from the victim; The victim may not be able to give a coherent and linear account of the assault. The victim's inability may be explained by the impact of the trauma of the assault (the neurobiology of the brain). With time and support some victims may be able to recall additional details over time, expect new information to be recalled incrementally, particularly following one or more sleep cycles.<sup>12</sup>
- e) Remember that victims may struggle with gaps in memory. The gaps in memory may be explained by the impact of the trauma from the assault (the neurobiology of the brain). With time and support some victims may be able to fill in those gaps and provide additional details.<sup>13</sup>
- f) Avoid leading questions while conducting the interview.
- g) Use open-ended questions to elicit information and assist in the victim's recall.
- h) Phrase questions in a non-judgmental, non-threatening way and avoid questions that are accusatory in nature.
- i) Use language and terminology that is appropriate and understandable from the perspective of the victim.
- j) Avoid using jargon, slang or police, medical, or legal terminology.

4. Prior to initiating the preliminary interview with the victim, the officer shall:

- a) Secure a private location for the interview that is free from distractions and provides an appropriate and comfortable setting.
- b) Express empathy and compassion for the victim.
- c) Inform the victim of the need and importance of full disclosure of any and all recent drug use. It's important during the investigation to exclude any mistaken conclusion that the offense reported was a drug facilitated sexual assault or determine if the sexual assault was drug associated. A sexual

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<sup>11</sup> Ibid, Published Research and Guidance, et al, Institute for Domestic Violence and Sexual Assault (IDVSA), School of Social Work

<sup>12</sup> Ibid, Published Research and Guidance, et al, Institute for Domestic Violence and Sexual Assault (IDVSA), School of Social Work

<sup>13</sup> Ibid, Published Research and Guidance, et al, Institute for Domestic Violence and Sexual Assault (IDVSA), School of Social Work

assault can still have occurred if the victim ingested drugs voluntarily; the officer shall ensure the victim is aware that any such disclosure will not have criminal consequences.<sup>14</sup>

5. During the preliminary interview, the officer shall:
  - a) Obtain current contact information for the victim, including addresses for temporary housing (e.g., hotels, shelters and halfway houses) to ensure continuous contact and support can be maintained.
  - b) Explain the nature of the preliminary interview and the need for follow-up contacts with the victim.
  - c) Ask the victim to explain what they recall and to describe their thoughts and emotions immediately before, during, and after the sexual assault. This can be especially helpful in establishing an understanding and appreciation for the victim's behavior, which may seem counterintuitive, based on the observations of the responding officer(s). Often, sexual assault victims respond in ways that may seem illogical or non-sensical but are better understood with an exploration of the victim's feelings and emotions at the time. This describes the best practice victim-centered interview protocol, which is a critical element of training for a sexual assault investigator.
  - d) Revisit the possibility of a support person for victims who initially declined such an offer.
  - e) Explain that other criminal justice community professionals such as sexual assault examiners, detectives, evidence technicians, and prosecutors may have additional questions.
  - f) Special Note: If the interview involves a juvenile victim of a sex crime, the interview should be conducted by a specially trained forensic interviewer employed by the Children's Advocacy/Assessment Center (CAC) or an equivalent agency located in the department's local jurisdiction.
  
6. At the conclusion of the initial officer's interview, the officer shall:
  - a) Give the victim the officer's contact information and encourage the victim to contact the officer with any additional information or evidence.
  - b) If there are visible injuries observed during the interview the officer should ensure the injuries are photographed/recorded with the consent of the victim.
  - c) Remind the victim that visible evidence of injury may appear later, and to contact the officer or investigator assigned the case to respond and record photographs of developing bruises/injuries.
  - d) Again, provide written referrals for victim service organizations.
  - e) Provide transportation when reasonably possible.
  - f) Remind the victim to preserve any evidence of communication from the suspect to include telephone calls, emails, text messages or cyberstalking behavior.

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<sup>14</sup> Ibid, Published Research and Guidance, et al, Institute for Domestic Violence and Sexual Assault (IDVSA), School of Social Work

- g) Inform the victim that a follow up interview will be requested at a later date.

7. Use of Pseudonym Form<sup>15</sup>

- a) Offer the victim the opportunity to use a pseudonym as defined in CCP Art. 57.01.
- b) If the victim chooses a pseudonym, the reporting officer will provide the victim with a form titled, "Pseudonym for Sexual Assault Survivors" as required by CCP, Art. 57.02 ( Appendix 5).
- c) The officer and the victim will complete the form
- d) The officer will provide the victim with a copy of the form and place the original form in the case report.
- e) If a pseudonym is chosen, the only information/identification of the victim on the report will be the pseudonym.
- f) If the victim has not chosen a pseudonym, the reporting officer will inform the victim that they have the right to choose a pseudonym at any time during the investigation.
- g) A completed pseudonym form is confidential and may not be disclosed to any person other than the defendant unless ordered so by the court.

F. Evidence Collection<sup>16</sup>

- 1) Responding officers shall request assistance or direction from crime scene technicians or the equivalent if available and necessary, or from the Office of the Director of Police as necessary.
- 2) Responding officers shall protect the integrity of the evidence and ensure the chain of custody by properly marking, packaging, and labeling all evidence collected, including:
  - a) Clothing worn by the victim at the time of the assault and immediately afterward, with particular attention to the clothing worn in closest proximity to or in contact with the genitals of the victim (such as undergarments, pants, and shorts).
  - b) Photographs and videotapes of the victim's injuries (if any), the suspect's injuries (if any), and the crime scene prior to processing.

(1) It is a best practice to request that a Sexual Assault Nurse Examiner (SANE) photograph the victim's genitalia during the forensic sexual assault exam if there is evidence of injury due to the sexual assault.<sup>17</sup>

(2) Photographing injuries to intimate areas of the victim's body are acceptable by responding officers if a SANE is not available and this step in the collection of evidence is essential to the investigation. However, an officer of the gender preferred by the victim should be used to complete this evidence collection step and only with the full and informed consent of the victim.

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<sup>15</sup> Code of Criminal Procedure, Chapter 57, Article 57.02 (d)

<sup>16</sup> Ibid, IACP Model Policy Investigating Sexual Assaults

<sup>17</sup> Sexual Assault & Family Violence Investigative Techniques, Chapter 8

- (3) As an alternative, the officer or investigator photographing the injuries will be required to have another officer or civilian employee of the institution police department of the gender preferred by the victim in the room during such photography, again and only with the full and informed consent of the victim.
- c) When an investigating officer suspects that a sexual assault may have been facilitated by drugs or alcohol, the officer shall make every effort to determine the time of the assault in order to make an informed and timely decision regarding the collection of urine and blood samples.
  - d) Officers shall introduce the need for a SAFE exam to the victim by explaining the importance of such examinations to successful investigative and prosecutorial efforts.
  - e) Deoxyribonucleic Acid (DNA) is a powerful investigative tool founded on the established scientific principle that no two people have identical DNA. Therefore, DNA evidence collected from a crime scene can link a suspect to a particular offense or, conversely, eliminate a particular suspect. This evidence is critically important and persuasive in proving that physical contact occurred between an assailant and a victim. Potential as well as demonstrated sites/hosts for DNA collection include but are not limited to the anatomy (body) of the victim and suspect, associated clothing, associated condoms, associated bedsheets, associated blankets and associated pillows. The sources for this DNA collection at these sites includes, but is not limited to biological evidence such as semen, blood, vomit, perspiration, skin tissue, saliva, hair, feces and urine. Other sites/hosts for such DNA sources can be physical objects used by either the victim or suspect. To ensure the proper collection of DNA evidence, officers shall:
    - (1) Use sterile gloves and discard and replace gloves as necessary to ensure against contamination.
    - (2) Use sterile swabs, papers, solutions, and tools to ensure against contamination.
    - (3) Package evidence in individual envelopes to ensure against contamination.
    - (4) Avoid physically touching or manipulating the areas or host objects where potential DNA evidence may exist to ensure against contamination.
    - (5) Avoid talking, sneezing, and coughing while physically in proximity to potential DNA evidence to ensure against contamination.
    - (6) Air dry evidence before packaging.<sup>18</sup>
      - (a) If the item is wet, place it on a clean piece of paper and allow it to dry before packaging, or transport it for drying at a laboratory facility or a properly equipped evidence holding area.
      - (b) If the officer/investigator has access to a drying rack, dry the item accordingly. Place a clean piece of paper on the floor of the drying rack. Hang the item over the paper.
      - (c) If a drying rack is not available:

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<sup>18</sup> National Forensic Science Technology Center, Crime Scene Investigation Guide, 2013

- (i) Lay a clean piece of paper on a clean, flat surface in a secure location where the item will not be disturbed and contamination will be protected against.
  - (ii) Carefully place the item on the paper.
  - (iii) Ensure that the stain is maintained intact in its original form and avoid transferring the stain from one area of the item to another.
  - (iv) Allow the item to dry naturally. Never expose it to heat, such as from a blow dryer.
  - (v) Avoid exposing the sample to direct sunlight.
  - (vi) Do not place two items in the same container for drying.
  - (vii) Put evidence into new and individual paper bags or envelopes (not plastic) to ensure against degradation or decomposition.
- f.) The sexual assault evidence kit (SAFE EXAM) shall be accepted from the SANE after it has been properly sealed and labeled.
- (1) The kit will contain whole blood that requires that the kit be placed and logged into an evidence refrigerator. Blood samples should remain refrigerated until transported to the laboratory.<sup>19</sup> The kit may also contain a urine sample for toxicology testing. If a submission is delayed for more than two days, refrigeration of the urine sample is recommended.<sup>20</sup>
  - (2) Each institution police department shall establish a protocol facilitating 24-hour access to the department's evidence refrigerator for sexual assault evidence storage.
  - (3) The kit shall not be allowed to freeze or be exposed to extreme heat.
- g.) Prepare a diagram of the crime scene(s).<sup>21</sup>
- (1) The rough sketch is the first sketch drawn at the scene; multiple rough sketches may be required depending on the circumstances of the offense. The sketch includes a scene outline with the location of objects and evidence clearly marked (Categories of sketches can be referenced in the ODOP Evidence Management Policy 1203- NFSTC Crime Scene Investigation Guide).
  - (2) The rough sketch shall be completed before the crime scene is altered in any way, and after photographs are taken. The crime scene shall not be altered in any way during the completion of the rough sketch.
  - (3) Depending on the circumstances of the offense, one or all of the following sketches shall be completed: a sketch showing the surrounding areas; a sketch showing only relative reference points and measurements; and a sketch showing the location of evidentiary items and involved persons.
  - (4) Measurements from reference points should be accurate to within one-quarter of an inch (1/4").
  - (5) Include, outside of the drawn crime scene, measurements for dimensions of rooms, furniture, doors and windows, and distances between objects, entrances and exits, bodies and persons. Draw details,

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<sup>19</sup> Texas Department of Public Safety Physical Evidence Handbook, Version 02, pg.31

<sup>20</sup> Ibid, Texas Department of Public Safety Physical Evidence Handbook, Version 02, pg.38

<sup>21</sup> National Forensic Science Technology Center, Crime Scene Investigation Guide, 2013

such as object size, proportionally in a rough sketch. Take measurements from fixed location reference point, such as walls or curbs, or from stationary/fixed appliances.

- (6) Include as much information as possible in the sketch: streets, plants, entry and exit points, location of bullets and cartridges, etc.
- (7) While sketching the scene, record related information in the related notes. It is critical to use a systematic approach to note-taking while sketching to maintain a record of your activities and the order of sketches made.
- (8) Specify the changes made to a scene prior to sketching, such as when objects were moved or placards added. Note who made the changes and why they occurred.
- (9) Do not alter a rough sketch after leaving the crime scene. If changes are required of the rough sketch, photocopy the original rough sketch to preserve its integrity.
- (10) A finished sketch is derived from the rough sketch. Finished sketches can be completed either by the originator of the rough sketches or by another staff member, such as a draftsman or artist.

h.) All evidence must be labeled and properly sealed as outlined in Texas Department of Public Safety Physical Evidence Handbook which can be found on the ODOP website under the Evidence Management Policy 1203.

#### G. Identify and Locate Witnesses and Suspects<sup>22</sup>

Responding officers must identify any potential witnesses and investigative leads that would lead to the identification of the assailant. It is particularly important to identify and interview the first person to whom the victim made an outcry regarding the sexual assault.

#### H. Arrest and Prosecution Decisions<sup>23</sup>

In the immediate aftermath of a sexual assault, a victim shall not be expected or encouraged to make decisions regarding criminal prosecution. First responding officers shall not introduce any forms for a victim to sign to decline criminal prosecution.

#### I. Delayed Reports<sup>24</sup>

Delayed victim reporting is common in sexual assault cases due to the trauma and fear experienced by victims and should not deter a thorough and complete investigation. Officers shall simply inquire about and document the reasons for a delayed report, while avoiding questions that could be perceived as judgmental or accusatory.

#### J. Forensic Examinations for Victims of Sexual Assault<sup>25</sup>

Victim-centered care is paramount to the success of the forensic examination of victims of sexual assault. A timely, professional forensic examination increases the likelihood that

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<sup>22</sup> Ibid, IACP Model Policy Investigating Sexual Assaults

<sup>23</sup> Ibid, IACP Model Policy Investigating Sexual Assaults

<sup>24</sup> Ibid, IACP Model Policy Investigating Sexual Assaults

<sup>25</sup> Code of Criminal Procedure , Art 56.06

injuries will be documented, and evidence collected to aid in the investigation and prosecution of sex offenders. Evidence may normally be collected up to 120 hours after the assault, but evidence can be gathered and injuries documented beyond that time, especially if the victim is injured, bleeding, or experiencing pain.

#### K. Investigating Officer Actions

1. If a sexual assault is reported to a law enforcement agency within 120 hours, with the consent of the victim, law enforcement must order a medical forensic examination.<sup>26</sup>
2. In cases surpassing 120 hours, efforts should be made to determine the feasibility of evidence recovery by consulting with a medical professional. The presence or absence of evidence will partially depend on the type of assault, the time that has passed, and whether or not the victim had changed clothes, showered, or exercised other types of personal hygiene prior to the examination.
3. For all reported cases of sexual assault under Texas Code of Criminal Procedure Article 56.06, a law enforcement agency are required to document whether a sexual assault exam was requested through the completion of the Attorney General form, "Law Enforcement Request for Sexual Assault Exam" (Appendix 6). Law Enforcement Agencies are required to provide a copy of the completed authorization form to the health care provider / sexual assault nurse examiner and the victim and must retain the original in compliance with the agency's records retention policy.<sup>27</sup>
4. Inquire whether the victim will consent to a forensic examination.
5. Inform the victim of the right to decline any or all parts of the examination.
6. Explain to the victim the potential evidentiary consequences if any part of the examination is refused.
7. When it is determined that a forensic examination will be conducted, a victim advocate shall be allowed to be present in the room and during the interview.<sup>28</sup>
8. Address any special needs of the victim, such as a disability, and notify the victim advocate of the special need.
9. Transport the victim to the designated medical facility if a forensic examination is warranted and the victim consents.
10. When under stress, many patients may not always understand or remember the reason for or significance of unfamiliar, embarrassing and sometimes intimidating procedures. Therefore, all SAFE exam procedures should be explained by the responding officer or investigator as thoroughly as possible, so

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<sup>26</sup> Code of Criminal Procedure, Art. 56.06

<sup>27</sup> Code of Criminal Procedure, Art. 56.065

<sup>28</sup> Code of Criminal Procedure, Art. 56.045/56A.351

that the victim/patient can understand what the attending medical personnel are doing and why.

11. Advise the victim that the forensic examiner will collect any clothing that was worn during or immediately after the sexual assault.
12. Assist in arranging for clothing the victim may need after the examination.
13. Hospital and medical records are confidential and require a subpoena for release. However, the victim has the right to sign a waiver as defined in (GC§ 420.073) Consent for Release of Certain Confidential Information. (Appendix 6 pg. 92)
14. Consent for the release of evidence contained in an evidence collection kit must follow the guidelines outlined in (GC § 420.0735) Consent for Release of Certain Evidence. (Appendix 6 pg. 92)
15. Encourage a victim who is unwilling to undergo a forensic exam to seek medical attention, including testing for pregnancy and sexually transmitted diseases.

L. Coordination with Sexual Assault Examiner<sup>29</sup>

Responding officers shall coordinate with a sexual assault examiner or a SANE to determine whether a forensic examination is indicated.

1. When a forensic examination is indicated, the investigating officer shall brief the examining nurse or physician about the details of the sexual assault, as they were known at that time.
2. Officers shall not be present in the examining room; the sexual assault examiner will testify about the collection of evidence and the chain of custody.<sup>30</sup>
3. The nurse or physician will brief the investigating officer at the conclusion of the examination.
4. The investigator shall obtain a copy of the Sexual Assault Forensic Examination Form (Appendix 6 pgs.85-103), photographs, if available, and a summary of the findings that note significant information or injury for the case file. After the examination, all the evidence shall be transferred by the investigator to the investigating agency for storage.
5. Investigators shall submit sexual assault evidence collected under Texas Government Code § 420.042, Analysis of Sexual Assault Evidence, to an accredited crime laboratory for analysis not later than the 30th day after the date on which that evidence was received.<sup>31</sup>
6. Law Enforcement agencies who have jurisdiction over a sexual assault case or other sex offenses shall ensure that the sexual assault examination kits, and other biological evidence that are collected pursuant to an investigation or prosecution

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<sup>29</sup> Ibid, IACP Model Policy Investigating Sexual Assaults

<sup>30</sup> Ibid, Sexual Assault & Family Violence Investigative Techniques, Chapter 8

<sup>31</sup> Texas Government Code §420.0735

be retained and preserved for not less than 40 years, or until any applicable statute of limitations have expired, whichever period is longer. This applies regardless of whether a person has been apprehended for or charged with committing the offense.<sup>32</sup>

7. Evidence collected during a forensic medical examination may not be used to investigate or prosecute a misdemeanor offense, or an offense under Subchapter D, Chapter 481, Health and Safety Code, alleged to have been committed by the victim from whom the evidence was collected.<sup>33</sup>
8. Refer to the Code of Criminal Procedure Article 12.01 to reference the statute of limitations, which have been changed.

#### M. Drug-Facilitated Sexual Assault Considerations<sup>34</sup>

1. Inform the victim of the need and importance of full disclosure of any and all recent drug uses to exclude the possibility of a drug facilitated sexual assault.
2. If a drug-facilitated sexual assault is suspected, request that a SANE nurse screen the victim's urine and blood within 96 hours of the assault for traces of Flunitrazepam metabolites (Rohypnol), Gamma Hydroxybutyrate (GHB), Ketamine (Special K), Ecstasy, Burundanga (Scopolamine) or any substance that produces a diminished level of consciousness.<sup>35</sup>
3. If vomit is present, treat it as a supplemental specimen for forensic toxicology purposes.
4. Vomit specimens should be collected in addition to the urine and blood specimens.
5. Collect as much of the liquid and solid portions of the vomit as possible by using a spoon, an eyedropper-type suction device, or other tools that are consistent with Biohazard procedures.
6. The vomit specimen should be placed in a urine collection container or other appropriate container that has a lid with a tight seal. Then immediately place the container in a freezer unless the vomit specimen will be submitted to a toxicologist within five days, in which case it is acceptable to refrigerate the container.
7. If the vomit is on clothing (or on a sheet), put the clothing (or sheet) in an appropriate container (i.e., a paper bag) to prevent leakage and contamination and then immediately freeze the clothing (or sheet) while it is packaged.
8. Protocols for responding to illegal substance abuse by victims (including underage drinking) shall be followed and never used to discredit or discourage the victim from

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<sup>32</sup> Texas Code of Criminal Procedure Art. 38.43

<sup>33</sup> Texas Code of Criminal Procedure Art. 39.435

<sup>34</sup> Ibid, IACP Model Policy, Investigating Sexual Assaults

<sup>35</sup> Ibid, Sexual Assault & Family Violence Investigative Techniques, Chapter 8

reporting the assault. The department's priority is to conduct a thorough investigation of a sexual assault rather than prosecute victims for drug or alcohol violations.

9. A victim of a drug-facilitated sexual assault may display a range of symptoms that could include memory loss, dizziness, confusion, drowsiness, slurred speech, impaired motor skills, impaired judgment, and reduced inhibition.
10. When pharmacological substances referred to as date rape drugs or alcohol are involved, the victim may remember very little, if anything, about the sexual assault itself. The victim's account of the events may have large gaps, which makes it difficult to describe what occurred to the investigating officer. As a result, the victim may be extremely anxious during the course of the interview. Investigating officers must remain patient and maintain objectivity while listening to the events as the victim recalls them.
11. Investigators must also remember that a victim whose memory is impaired due to the pharmacological effect of a drug may innocently and unconsciously seek facts to fill in the blank spots in memory. It is therefore critical that investigators and examiners avoid leading questions while conducting the interview.
12. During the interview, it is very important to have victims articulate how they felt or what they were doing prior to losing consciousness.
13. It is equally crucial to interview any witnesses who might have seen or spoken with the victim before, during, or after the assault.

N. Reimbursement for the Examination<sup>36</sup>

1. Law enforcement agencies are no longer required to pay the examiner and then seek reimbursement from the Office of Attorney General (OAG). Health care facilities, sexual assault examiners, and sexual assault nurse examiners have been authorized to apply directly to the Office of Attorney General for reimbursement of costs associated with a rape kit exam for an alleged sexual assault reported to a law enforcement agency within 120 hours of the offense.<sup>37</sup>
2. The law enforcement jurisdiction investigating the reported sexual assault shall be responsible for the initial payment of medical examinations and collection of evidence in connection with the investigation or prosecution of a sexual assault.
3. Procedures eligible for reimbursement:
  - a) Nurse examiner/physician's fee,
  - b) Evidence collection kit cost,
  - c) Some diagnostic tests they may be used for evidence (e.g. X-rays, pregnancy test, drug or alcohol screen if a drug facilitated sexual assault is suspected).

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<sup>36</sup> Office of Attorney General, Crime Victim's Compensation

<sup>37</sup> Code of Criminal Procedure Article 56.065

4. Procedures not eligible for reimbursement: (i.e. must be covered by the patient's insurance, Crime Victim Compensation or other arrangements made with the hospital):

- a) HIV testing,
- b) Treatment for injuries,
- c) Hospital admission fees,
- d) Medication(s).

O. Follow-Up Victim Interview<sup>38</sup>

1. Prior to a follow-up interview, the investigating officer shall consult with agency personnel who responded to the scene, retrieve digital recordings and call notes, and review all reports. The officer should coordinate with relevant agencies, assistance organizations, service providers, or sexual assault response professionals to address the needs of the victim and to discuss the best means of keeping the victim informed.
2. The investigator shall develop an investigative strategy based on the nature of the assault and the possible defenses available to the suspect (such as denial, mistaken identity, or consent). This strategy shall guide the questions and other evidence collection efforts.

P. Follow-up Interview Protocol

1. The investigative follow-up interview shall be conducted after the victim has been medically examined and treated, and personal needs have been met. Due to the possible impact of trauma on short-term memory, it may be preferable to give the victim one or more sleep cycles before conducting the interview.<sup>39</sup>
2. Beginning the interview by acknowledging the victim's trauma can contribute to the victim's immediate and long-term emotional health and lay a foundation for a successful interview.<sup>40</sup>
3. The investigator must be sensitive to the psychological state of the victim. Insensitivity to the victim's needs and emotions can have negative consequences including diminishing the ability or the willingness of the victim to cooperate and causing serious psychological aftereffects for the victim.<sup>41</sup>
4. In the event that the victim is still under the influence of drugs or alcohol, has been injured, or as a result of the assault has not slept, and barring exigent circumstances requiring an arrest or identification, the interview should be delayed.

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<sup>38</sup> Ibid, IACP Model Policy Investigating Sexual Assaults

<sup>39</sup> EVAWI, "Interviewing the Victim," p. 52; Louise Ellison, "Closing the credibility gap: The prosecutorial use of expert testimony in sexual assault cases," *The International Journal of Evidence & Proof*, vol. 9, no. 4 (2005), pp. 243-44.

<sup>40</sup> EVAWI, "Interviewing the Victim," pp. 49, 60.

<sup>41</sup> Ibid, Sexual Assault & Family Violence Investigative Techniques, Chapter 8

5. Arrange for equipment to tape record and video record the interview so the officer can focus on listening. It is not recommended that the victim complete a written statement after an in-depth interview that has already been documented using a recording device.
6. The interview shall be conducted in a location that is convenient, accessible, private and comfortable for the victim. The investigator shall provide or arrange for transportation for the victim when needed.
7. A walk through of the crime scene with the victim may be considered if:
  - a) The victim consents or insists; or
  - b) The investigator believes the victim can manage the experience and there will be demonstrable evidentiary value in returning the victim to the crime scene.
8. At the start of the follow-up interview, the officer shall:
  - a) Discuss the purpose and scope of the interview.
  - b) Review contact information for both the victim and investigator that may need to be updated.
  - c) Explain the need to tape record and video record the interview and request the consent of the victim. Victims should never be recorded without their knowledge or permission; doing so would constitute a serious betrayal of trust.<sup>42</sup>
  - d) Address arrest decisions, including an explanation of the status of the case.
9. While conducting the follow-up interview, the officer shall:<sup>43</sup>
  - a) First, allow the victim to describe what occurred without interruption.
  - b) Relay what the investigator heard for accuracy, identify new information or developments, and ask questions.
  - c) Clarify any apparent differences with earlier accounts of the sexual assault in a nonthreatening manner.
  - d) Document the actions of the victim in response to the attack, the victim's state of mind during the attack, specific statements made by the suspect, and the nature of any relationship with the suspect (if applicable) and explain the importance of these questions to the victim from a prosecutorial standpoint.
  - e) Inquire about any circumstances that may indicate the use of a drug to facilitate the sexual assault (such as whether the victim experienced any loss of memory, disorientation, severe illness, or hallucinations).
  - f) Assist the victim in developing a safety plan, in the event safety concerns exist, and encourage the victim to call police if the suspect violates any existing protective orders or if the suspect contacts the victim in any way.
10. Once a thorough follow-up investigation has been completed, the investigating officer shall:

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<sup>42</sup> Ibid, EVAWI, Effective Report Writing: Using the Language of Non-Consensual Sex

<sup>43</sup> Ibid, IACP Model Policy Investigating Sexual Assaults

- a) Evaluate impounded evidence and determine which items might have probative value based on the statements and other information.
- b) Submit a lab service request such as DNA, biology, trace, or toxicology based on the assessment of the evidence to the Texas Department of Public Safety or an equivalent forensic testing facility.
- c) Encourage the victim's continued support in the investigation, apprising the victim of future investigative and prosecutorial activities that will or may require involvement.

#### Q. Criminal Justice Proceedings

This department shall respect a victim's inability, or decision not, to be involved in criminal justice proceedings and always be willing to offer continued assistance and referrals.

#### R. Contacting and Interviewing the Suspect<sup>44</sup>

1. An interview may be conducted if the suspect who is under arrest waives their warnings (CCP 38.22 Miranda) and/or if not under arrest, voluntarily meets with the investigator for an interview.
2. Having a thorough understanding of the alleged offense and the background on the subject being interviewed will prevent unanticipated events or assertions during the course of the interview
3. Investigators should explore previous marriages and relationships, previous employment, military records, associates, and current jobs as sources to gather information prior to initiating an interview with the suspect.
4. Investigators should refrain from forming preliminary opinions regarding the guilt of a suspect.

#### S. Collection of Evidence from the Suspect

The institution police department investigating the reported sexual assault shall be responsible for the payment of medical examinations and collection of evidence from the suspect but is not eligible for reimbursement from The Attorney General's office.<sup>45</sup>

##### 1. Protocol for Suspect Examination<sup>46</sup>

- a) Immediately after the preliminary suspect interview, the investigating officer shall determine whether a forensic sexual assault examination of the suspect should be accomplished.
- b) A search warrant will be required to collect any evidence from the body of the suspect or to collect clothing unless the suspect consents to such evidence collection procedures, in which case documentation of voluntary written consent shall be provided in the offense report.

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<sup>44</sup> Ibid, Sexual Assault & Family Violence Investigative Techniques, Chapter 8

<sup>45</sup> Ibid, Office of Attorney General, Crime Victim's Compensation

<sup>46</sup> Ibid, IACP Model Policy, Investigating Sexual Assaults

- c) The investigator shall clearly document the suspect's right to decline any part of the examination and to leave at any time unless otherwise lawfully detained.
- d) First-line officers and supervisors shall be trained to collect tissue cells from inside a suspect's cheek for DNA profiling. Cotton-tipped swabs or other buccal DNA collectors shall be readily available to investigators in the field. The Office of the Director of Police is available for such training and for guidance on the acquisition of the required evidence collection tools and maintains such items in the ODOP Evidence Collection Kit.

2. Evidence Collection from Suspect<sup>47</sup>

- a) The SANE shall document the suspect's medical history, document all injuries that are observed, and collect biological and trace evidence from the suspect's body.
- b) If in custody, the suspect shall be given a Miranda warning before being asked medical history questions by the SANE or investigator.
- c) If the suspect invokes their right to remain silent, the examiner shall bypass the medical history portion of the examination and continue documenting any visible injury and collecting the appropriate specimens.
- d) Both the examiner and attending officer shall be prepared to document any spontaneous statements or utterances made by the suspect regardless of whether or not the suspect is in custody and whether or not the suspect was provided with a Miranda warning.

3. Duty to enter investigation information into intelligence database

A law enforcement agency that identifies a person as a suspect in the investigation of a sexual assault or other sex offense, regardless of how the person is identified, shall enter into the FBI Violent Criminal Apprehension Program (ViCAP) system regarding the agency's investigation of that person.

The information entered must include:

- a) the suspect's name and date of birth;
- b) the sex offense being investigated; and
- c) the concurrent physical offenses being investigated; and
- d) the law enforcement agency investigating the offense

4. A law enforcement agency shall remove the information from the database on the earliest of the following dates:

- a) the date the agency no longer considers the person a suspect in the relevant investigation;
- b) the date the person is charged with the offense being investigated or a similar offense; or
- c) the fifth anniversary of the date the information was entered into the database.
- d) The department may, as necessary, remove from the database any information entered under this section.

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<sup>47</sup> Ibid, IACP Model, Investigating Sexual Assaults

5. Information entered into the database under this section is excepted from required disclosure under Chapter 552 in the manner provided by Section 552.108.
6. This applies only to a pending investigation of a sexual assault or other sex offense, regardless of whether the investigation was commenced before, on, or after the effective date of September 1, 2019.<sup>48</sup>

#### T. Role of the Supervisor<sup>49</sup>

First-line supervisors should demonstrate a well-developed understanding of victim issues and the proper response by law enforcement. Specifically, supervisors shall:

1. Respond to assist officers investigating sexual assaults.
2. Exhibit sensitivity to victims and ensure that victims are treated appropriately by clarifying their expectations of the responding officers and the obligations of the responding officers.
3. Assist in locating resources to effectively investigate sexual assaults.
4. Encourage problem-solving partnerships to enhance cooperation between the institution police department and community organizations such as rape crisis centers and forensic examination programs using a victim-centered approach.
5. Include the dissemination of victim services' information regularly at roll call.
6. Develop and encourage community partnerships to reduce the risk of sexual assault and victimization.
7. Create opportunities for ongoing law enforcement training to improve the skills needed to properly respond to and investigate sexual assault.
8. Work to increase interagency communication between law enforcement and prosecutors to ease the transition for victims moving from the investigation phase to prosecution.
9. Incorporate victim service issues into the evaluations of detectives/investigators and officers.
10. Recognize and reward officers for rendering effective victim services.

#### U. Report Writing<sup>50</sup>

The investigating officer must complete a written report in all cases of sexual assault as defined in the Code of Criminal Procedure § 2.30 and § 5.05, regardless of whether an

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<sup>48</sup> Government Code, Section 420.035

<sup>49</sup> Ibid, IACP Model, Investigating Sexual Assaults

<sup>50</sup> Ibid, Sexual Assault & Family Violence Investigative Techniques, Chapter 8

arrest is made. The offense report provides the investigating officer the opportunity to preserve a chronological and real-time account of the facts and details of the case, which can be reviewed later by prosecutors, defense counsel, judges, juries and expert witnesses. It is not only important to summarize all of the evidence discovered during the course of a sexual assault investigation, it is equally important to recreate the entire reality of the sexual assault from the perspective of the victim.

1. It is imperative to identify the circumstances of the offense committed and clearly state the facts of the investigation that satisfy the elements of the offense.
2. The offense report should recreate the series of events surrounding the offense, the scene of the offense, and the personal impact of the offense on the victim.
3. The offense report should clearly articulate the actions taken by the victim, the suspect, and the responding officers.
4. The offense report must contain accurate language that does not inadvertently minimize the seriousness of the offense by attempting to sanitize the events or mistakenly (although in good faith) address otherwise personal and intimate activities in a discreet manner. Preserving the exact wording used by the victim (and suspect) in the investigator's report will assist in reconstructing the entire reality of the sexual assault as experienced by the victim.
5. Officers should also indicate that they provided the victim with information regarding crime victim's compensation and advocacy support.
6. The reporting officer should ensure that they have recorded any observations, brief discussions or other material information.
7. Addressing the Victim's Use of Drugs or Alcohol<sup>51</sup>

In order to demonstrate the degree of intoxication, it is important to document the number of alcoholic drinks the victim may have had or the kind and amount of drugs taken. However, additional factors should be noted, including the length of time during which the drugs or alcohol was consumed, the victim's body size, normal tolerance level and amount of food consumed during the day or night. All of these factors will help to provide a sense of the victim's level of intoxication.

- a.) If the victim vomited, this is also important to note, both because it helps to demonstrate the victim's level of intoxication and because the vomit can be a source of valuable evidence.
- b.) It is also important to note if the victim lost consciousness at any point before, during or after the sexual assault.
- c.) Interviews with witnesses and the suspect will also provide important information about the level of the victim's intoxication. By documenting the victim's behavior, these statements can help prosecutors, judges, and jurors understand the degree of

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<sup>51</sup> End Violence Against Women International, Effective Report Writing: Using the language of Non-Consensual Sex

cognitive impairment that the victim was experiencing at the time of the sexual assault.<sup>52</sup>

#### 8. Documenting the Entire Context of Force, Threat, Coercion or Fear

This would include describing all of the elements that contributed to the victim's experience of force, threat, coercion or fear such as:

- a) Suspect's relative size or strength,
- b) Physical isolation,
- c) Victim's experience of disassociation,
- d) Factors that increase the victim's vulnerability (e.g., cognitive disability, youth, life experience, subordinate position, intoxication or immigration status).

#### V. Case Report<sup>53</sup>

Taking the time to do a complete case report will provide an accurate representation of the extensive work done on the investigation.

Sexual assault offense reports should consist of at least an initial case investigation and supplemental reports detailing the following:

1. Forensic medical (SAFE) examination to include diagrams specifying the nature and location of all injuries, complaints of pain or tenderness, and photographs of those injuries.
2. Crime Scene search and evidence collection.
3. Detailed interviews of the victim(s) , witness(es) and suspect(s).
4. Laboratory analysis of the evidence.
5. The events surrounding the arrest of the suspect.
6. Case synopsis that compiles pertinent information summarized to assist with prosecution.
7. A witness list detailing the involvement of each party involved.

#### W. Blind Reporting<sup>54</sup>

In response to The Violence Against Women Act of 2005, many jurisdictions have implemented alternatives to standard reporting procedures. These procedures are used when victims do not want to immediately report or are undecided about reporting with their own name and contact information (but are willing to report anonymously). In the

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<sup>52</sup> Ibid, End Violence Against Women International, Effective Report Writing: Using the language of Non-Consensual

<sup>53</sup> Ibid, Sexual Assault & Family Violence Investigative Techniques, Chapter 8

<sup>54</sup> Blind Reporting of Sexual Violence, FBI Law Enforcement Bulletin, June 1999, pp. 12–16.

aftermath of a sexual assault, a victim may not have the emotional or physical capacity to commit to a full investigation and a court trial. Institution police departments may consider establishing blind reporting protocols to allow victims to take the investigative process one step at a time. This will allow time for the victim to establish trust with an investigator and become comfortable with the investigative process. The blind reporting process allows victims to share critical information about the assault with law enforcement without sacrificing privacy. It also enables investigators to gain information about sex crimes that would otherwise go unreported.

To develop an anonymous/blind reporting system, law enforcement agencies can:

1. Establish and uphold a policy of victim confidentiality.
2. Allow victims to disclose as little or as much information as they wish.
3. Accept the information whenever victims might offer it—a delay in disclosure is not an indicator of the validity of the statement.
4. Clarify options with victims for future contact—where, how, and under what circumstances they may be contacted by the law enforcement agency or by another agency.
5. Maintain these reports in separate files from official complaints to avoid inappropriate use.

Informed consent from victims for notification should be sought during the initial report, as well as appropriate times, reasons, and methods to recontact them. For example, a victim may want to be contacted if another victim who was likely assaulted by the same suspect comes forward.

#### X. Barriers to Reporting (Texas Association Against Sexual Assault)

Many factors may discourage sexual assault victims/survivors from reporting or seeking aid or assistance from law enforcement. In order to effectively serve the campus community, the institution police department must understand the unique concerns and barriers that different populations face, acknowledge those issues and respond accordingly. Of particular concern are the following population groups which may hesitate or be reluctant to report sexual assault:

1. Those for whom English is a second language (or possess no fluency in English).
2. Senior or elderly survivors who are not typically associated with the conventional identity of a victim.
3. Adolescents who may fear legal or parental consequences.
4. Those who fear that their gender, gender identity or sexual orientation will be an impediment to a good faith investigation by law enforcement.
5. Those whose physical or mental abilities make them less able to articulate the offense; those who have difficulty differentiating between appropriate and inappropriate physical contact; those who are dependent on others for care or assistance; those who fear that reporting an offense could jeopardize their linkage to major care providers or hard-earned independence; those with disabilities who feel they would be considered less credible than a non-disabled victim.
6. Those who fear deportation because of residency status, have a fundamental distrust of the criminal justice system based on their experience in their country of birth or have a stronger loyalty to their own cultural group than the US criminal justice system.



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Michael J. Heidingsfield  
Director of Police

## Changes/Revisions since last publication

April 10, 2020

Paragraph IV. 1, addresses the training now required for sexual assault investigation;

Paragraph V. K3, addresses the use of the “Law Enforcement Request for Sexual Assault Examination” for the Office of the Attorney General (example attached);

Paragraph V. L6, addresses the retention requirements for sexual assault examination kits and other related biological evidence;

Paragraph V. N1 addresses the modification of the reimbursement process for sexual assault examinations and who is responsible;

Paragraph V. S3 addresses the requirements regarding the newly created suspect data base;

September 21, 2021

IV.A. Mandated Training for Police Officers was updated to include TCOLE Trauma Informed / Sexual Assault Investigation Courses (#470- 8 hr course or #4070 24 hr course);

V.E.1 addresses the requirement of a sexual assault advocate to be present during an interview and Sexual Assault Forensic Examination;

V.L.7 addresses evidence collected during a forensic medical examination may not be used to investigate or prosecute a misdemeanor offense alleged to have been committed by the victim from whom the evidence was collected;

Changes were made throughout this policy to reflect neutral gender pronouns

# Appendix I

[Neurobiology of Trauma and Sexual Assault](#)

(click link above to view presentation)

# Appendix II

## GC§ 420.071 CONFIDENTIAL COMMUNICATIONS BETWEEN AN ADVOCATE AND A SURVIVOR

*(a) A communication between an advocate and a survivor, or a person claiming to be a survivor, that is made in the course of providing sexual assault advocacy services to the survivor is confidential and may not be disclosed except as provided by this subchapter.*

*(b) A record of the identity, personal history, or background information of a survivor or information concerning the victimization of a survivor that is created by or provided to an advocate or maintained by a sexual assault program is confidential and may not be disclosed except as provided by this subchapter.*

*(c) A person who receives information from a confidential communication or record as described by this subchapter may not disclose the information except to the extent that disclosure is consistent with the authorized purposes for which the information was obtained.*

*(d) This subchapter governs a confidential communication or record concerning a survivor regardless of when the survivor received the services of an advocate or sexual assault program.*

## GC§ 420.072 EXCEPTIONS TO CONFIDENTIAL COMMUNICATIONS

*(a) A communication, a record, or evidence that is confidential under this subchapter may be disclosed in court or in an administrative proceeding if:*

*(1) the proceeding is brought by the survivor against an advocate or a sexual assault program or is a criminal proceeding or a certification revocation proceeding in which disclosure is relevant to the claims or defense of the advocate or sexual assault program; or*

*(2) the survivor or other appropriate person consents in writing to the disclosure as provided by Section 420.073 or 420.0735, as applicable.*

*(b) A communication, a record, or evidence that is confidential under this subchapter may be disclosed only to:*

*(1) medical or law enforcement personnel if the advocate determines that there is a probability of imminent physical danger to any person for whom the communication, record, or evidence is relevant or if there is a probability of immediate mental or emotional injury to the survivor;*

*(2) a governmental agency if the disclosure is required or authorized by law;*

*(3) a qualified person to the extent necessary for a management audit, financial audit, program evaluation, or research, except that a report of the research, audit, or evaluation may not directly or indirectly identify a survivor;*

*(4) a person authorized to receive the disclosure as a result of written consent obtained under Section 420.073 or 420.0735; or*

*(5) an advocate or a person under the supervision of a counseling supervisor who is participating in the evaluation or counseling of or advocacy for the survivor.*

*(c) A communication, a record, or evidence that is confidential under this subchapter may not be disclosed to a parent or legal guardian of a survivor who is a minor if an advocate or a sexual assault program knows or has reason to believe that the parent or legal guardian of the survivor is a suspect in the sexual assault of the survivor.*

# Appendix III

CCP. Art. 56.021. **RIGHTS OF VICTIM OF SEXUAL ASSAULT.** (a) *In addition to the rights enumerated in Article 56.02, if the offense is a sexual assault, the victim, guardian of a victim, or close relative of a deceased victim is entitled to the following rights within the criminal justice system:*

(1) *if requested, the right to a disclosure of information regarding any evidence that was collected during the investigation of the offense, unless disclosing the information would interfere with the investigation or prosecution of the offense, in which event the victim, guardian, or relative shall be informed of the estimated date on which that information is expected to be disclosed;*

(2) *if requested, the right to a disclosure of information regarding the status of any analysis being performed of any evidence that was collected during the investigation of the offense;*

(3) *if requested, the right to be notified:*

(A) *at the time a request is submitted to a crime laboratory to process and analyze any evidence that was collected during the investigation of the offense;*

(B) *at the time of the submission of a request to compare any biological evidence collected during the investigation of the offense with DNA profiles maintained in a state or federal DNA database; and*

(C) *of the results of the comparison described by Paragraph (B), unless disclosing the results would interfere with the investigation or prosecution of the offense, in which event the victim, guardian, or relative shall be informed of the estimated date on which those results are expected to be disclosed;*

(4) *if requested, the right to counseling regarding acquired immune deficiency syndrome (AIDS) and human immunodeficiency virus (HIV) infection;*

(5) *for the victim of the offense, testing for acquired immune deficiency syndrome (AIDS), human immunodeficiency virus (HIV) infection, antibodies to HIV, or infection with any other probable causative agent of AIDS; and*

(6) *to the extent provided by Articles 56.06 and 56.065, for the victim of the offense, the right to a forensic medical examination if, within 96 hours of the offense, the offense is reported to a law enforcement agency or a forensic medical examination is otherwise conducted at a health care facility.*

(b) *A victim, guardian, or relative who requests to be notified under Subsection (a)(3) must provide a current address and phone number to the attorney representing the state and the law enforcement agency that is investigating the offense. The victim, guardian, or relative must inform the attorney representing the state and the law enforcement agency of any change in the address or phone number.*

(c) *A victim, guardian, or relative may designate a person, including an entity that provides services to victims of sexual assault, to receive any notice requested under Subsection (a)(3).*

CCP. Art. 56.045. **PRESENCE OF ADVOCATE OR REPRESENTATIVE DURING FORENSIC MEDICAL EXAMINATION.** (a) *Before conducting a forensic medical examination of a person who consents to such an examination for the collection of evidence for an alleged sexual assault, the physician or other medical services personnel conducting the examination shall offer the person the opportunity to have an advocate from a sexual assault program as defined by Section 420.003, Government Code, who*

*has completed a sexual assault training program described by Section 420.011(b), Government Code, present with the person during the examination, if the advocate is available at the time of the examination.*

*(b) The advocate may only provide the injured person with:*

*(1) counseling and other support services; and*

*(2) information regarding the rights of crime victims under Articles 56.02 and 56.021.*

*(c) Notwithstanding Subsection (a), the advocate and the sexual assault program providing the advocate may not delay or otherwise impede the screening or stabilization of an emergency medical condition.*

*(d) The sexual assault program providing the advocate shall pay all costs associated with providing the advocate.*

*(e) Any individual or entity, including a health care facility, that provides an advocate with access to a person consenting to an examination under Subsection (a) is not subject to civil or criminal liability for providing that access. In this subsection, "health care facility" includes a hospital licensed under Chapter 241, Health and Safety Code.*

*(f) If a person alleging to have sustained injuries as the victim of a sexual assault was confined in a penal institution, as defined by Section 1.07, Penal Code, at the time of the alleged assault, the penal institution shall provide, at the person's request, a representative to be present with the person at any forensic medical examination conducted for the purpose of collecting and preserving evidence related to the investigation or prosecution of the alleged assault. The representative may only provide the injured person with counseling and other support services and with information regarding the rights of crime victims under Articles 56.02 and 56.021 and may not delay or otherwise impede the screening or stabilization of an emergency medical condition. The representative must be approved by the penal institution and must be a:*

*(1) psychologist;*

*(2) sociologist;*

*(3) chaplain;*

*(4) social worker;*

*(5) case manager; or*

*(6) volunteer who has completed a sexual assault training program described by Section 420.011(b), Government Code.*

# Appendix IV

## Texas Sexual Assault Programs

### **Abigail's Arms –**

#### **Cooke County Family Crisis Center**

114 N. Dixon Street  
Gainesville, TX 76240  
Business Phone: (940) 665-2873

#### **Advocacy Center for Crime Victims and Children**

2323 Columbus Avenue  
Waco, TX 76701  
Business Phone: (254) 752-9330

#### **Atascosa Family Crisis Center, Inc**

P.O. Box 688  
Pleasanton, TX 78064  
Business Phone: (830) 569-2001

#### **Family Crisis Center**

Bastrop, TX 78602  
Business Phone: (512) 321-7760

#### **Bay Area Turning Point, Inc.**

210 South Walnut  
Webster, TX 77598  
Business Phone: (281) 338-7600

#### **Brighter Tomorrows**

P.O. Box 532151  
Grand Prairie, TX 75053  
Business Phone: (972) 263-0506  
Email: info@brightertomorrow.net

#### **Center Against Family Violence**

580 Giles Rd.  
El Paso, Texas 79915  
Business Phone: (915) 593-7300

#### **Concho Valley Rape Crisis Center, Inc**

2402 College Hills Blvd, Suite 3San Angelo,  
TX 76903  
Business Phone: (325) 655-2000

#### **Crime Victim Assistance Center**

P.O. Box 1010  
Eastland, TX 76448  
Business Phone: (254) 629-3223  
Email: info@victim-services.net

#### **Crisis Center of Anderson and Cherokee Counties**

700 East Cherokee St.  
Jacksonville, TX 75766  
Business Phone: (903) 586-9118

#### **Crisis Center of Anderson and Cherokee Counties (satellite office)**

313 West Debard  
Palestine, TX 75801  
Business Phone: (903) 586-9118

#### **Crisis Center of Comal Co.**

1547 Common St.  
New Braunfels, TX 78130  
Business Phone: (830) 620-7520  
Email: contact@ccccnbt.org

#### **Crisis Center of the Plains**

1403 W. 5th Street  
Plainview, Texas 79072  
Business Phone: (806) 293-9772

#### **Cross Timbers Family Services**

P.O. Box 1136  
Stephenville, TX 76401  
Business Phone: (254) 965-5516  
Email: ctfs@ctfshelp.org

#### **Deaf Smith County Crisis Center**

P.O. Box 126  
Hereford, Texas 79045  
Business Phone: (806) 363-6727  
Email: dsccc@wtrt.net

**Denton County Friends of the Family, Inc.**

Denton, TX 76202  
Business Phone: (940) 387-5131

**Denton County Friends of the Family, Inc. (satellite office)**

Corinth, TX 76210  
Business Phone: (940) 387-5131

**Domestic Violence Prevention, Inc. (satellite office)**

209 E Hiram St.  
Atlanta, TX 75551  
Business Phone: (903) 796-8847

**Domestic Violence Prevention, Inc.**

424 Spruce St.  
Texarkana, TX 75501  
Business Phone: (903) 794-4000

**East Texas Crisis Center (satellite office)**

310 S. Carroll St.  
Athens, TX 75751  
Business Phone: (903) 675-2137

**East Texas Crisis Center**

2401 Hughey Rd  
Tyler, TX 75701  
Business Phone: 903-509-2526

**Dallas Area Rape Crisis Center**

2801 Swiss Ave.  
Dallas, Texas 75379-6383  
Business Phone: (214) 712-4900

**Families In Crisis, Inc.**

Gatesville, TX 76540  
Business Phone: (888) 799-7233

**Families In Crisis, Inc.**

Hamilton, TX 76540  
Business Phone: (254) 634-1184

**Families In Crisis, Inc.**

P.O. Box 25  
Killeen, TX 76540  
Business Phone: (254) 634-1184

**Families In Crisis, Inc.**

P.O. Box 2142  
Temple, TX 76503  
Business Phone: (254) 773-7765  
Email: Families.Crisis@att.net

**Family Crisis Center, Inc.**

616 West Taylor  
Harlingen, TX 78550  
Business Phone: (956) 423-9304

**Family Crisis Center, Nacogdoches**

P.O. Box 510  
Lufkin, TX 75902  
Business Phone: (936) 639-1681

**Family Crisis Center of the Big Bend**

Alpine, TX 79831  
Business Phone: (432) 371-3147

**Family Crisis Center of the Big Bend**

P.O. Box 2384  
Presidio, TX 79845  
Business Phone: (432) 229-4297

**Family Crisis Center of the Big Bend, Inc.**

2001 Ghost Town Rd.  
Terlingua, TX 79852  
Business Phone: (432) 371-3147

**The Heaven Family Shelter of McCulloch County, Inc.**

Brady, TX 76825  
Business Phone: (325) 597-7644

**Family Support Services**

7136 I-40 Frontage Rd. West, Bldg.B  
Amarillo, TX 79106  
Business Phone: (806) 342-2500

**Family Ties, Family Resource Services**

2114 Field Store Rd.  
Waller, TX 77484  
Business Phone: (936) 931-2299

**Family Time Crisis and Counseling Center**

1203 S. Houston Sve.  
Humble, TX 77347  
Business Phone: (281) 446-2615

**Fannin County Family Crisis Center**

118 E Sam Rayburn Dr  
Bonham, TX 75418  
Business Phone: (903) 583-7694

**First Step of Wichita Falls, Inc.**

624 Indiana St, Suite 304  
Wichita Falls, TX 76301  
Business Phone: (940) 723-7799

**Focusing Families**

P.O. Box 1053  
Hempstead, TX 77445  
Business Phone: (979) 826-3290

**Fort Bend County Women's Center**

P.O. Box 183  
Richmond, TX 77406  
Business Phone: (281) 344-5750

**Freedom Counseling**

408 W. Avenue F  
Midlothian, TX 76065  
Business Phone: (972) 723-0044  
Email: Counseling@sbcglobal.net

**Freedom House**

1149 Fort Worth Hwy  
Weatherford, TX 76086  
Business Phone: (817) 596-7543

**Friends For Hope, Inc.**

1001 2nd Street  
Big Lake, TX 76932  
Business Phone: (325) 884-2281

**Friendship of Women, Inc.**

95 E. Price Rd  
Brownsville, TX 78521  
Business Phone: (956) 544-7412

**Gateway Family Services, Inc.**

1503 26<sup>th</sup> Street  
Snyder, TX 79549  
Business Phone: (325) 573-1822

**Grayson County Crisis Center**

4200 N Travis St  
Sherman, TX 75092  
Business Phone: (903) 893-5675

**Guadalupe Valley Family Violence Shelter, Inc.**

P.O. Box 1302  
Seguin, TX 78155  
Business Phone: (830) 372-2780

**Hardin County Crime Victims Assistance Center**

P.O. Box 1412  
Kountze, TX 77625  
Business Phone: (409) 246-4300

**Hays-Caldwell Women's Center**

P.O. Box 234  
San Marcos, TX 78667-0234  
Business Phone: (512) 396-3404

**Healing Hearts Ministry**

201 W. Moore Ave.  
Terrell, TX 75160  
Business Phone: (972) 551-2700

**Highland Lakes Family Crisis Center**

Marble Falls, TX 78654  
Business Phone: (830) 693-3656

**Hill Country CARES**

Bandera, TX 78029  
Business Phone: (830) 257-7088

**Hill Country CARES**  
Kerrville, TX 78029  
Business Phone: (830) 257-7088

**Hope Alliance**  
1011 Gattis School Rd. Suite 106  
Round Rock, TX 78664  
Business Phone: (512) 255-1212

**Hope Women's Shelter, Inc.**  
Mineral Wells, TX 76068  
Business Phone: (940) 325-1306

**Mid-Coast Family Services**  
120 S. Main  
Suite 310  
Victoria, TX 77901  
Business Phone: (361) 575-7842  
Email: info@midocastfamily.org

**Houston Area Women's Center**  
1010 Waugh Drive  
Houston, TX 77019  
Business Phone: (713) 528-2121

**Hunt County Rape Crisis Center**  
P.O. Box 8692  
Greenville, TX 75404  
Business Phone: (903) 454-9999

**Hutchinson County Crisis Center, Inc.**  
301 W. 6th, Suite 304  
Borger, TX 79008  
Business Phone: (806) 274-9525

**Johnson County Family Crisis Center**  
P.O. Box 43  
Cleburne, TX 76033  
Business Phone: (817) 558-7171

**Katy Christian Ministries, Crisis Center**  
802 Dominion Dr. # 500  
Katy, TX 77450  
Business Phone: (281) 391-4504

**Voices of Hope**  
PO Box 2000  
Lubbock, TX 79457  
Business Phone: (806) 763-3232

**Matagorda County Women's Crisis Center**  
P.O. Box 1820  
Bay City, TX 77414  
Business Phone: (979) 245-9109

**Matagorda County Women's Crisis Center**  
116 E. Burleson  
Wharton, TX 77488  
Business Phone: (979) 531-1300

**Midland Rape Crisis and Children's Advocacy Center**  
P.O. Box 10081  
Midland, TX 79702  
Business Phone: (432) 682-7273

**Mission Granbury**  
1204 Water's Edge  
Granbury, TX 76049  
817-964-3445

**Montgomery County Women's Center**  
1401 Airport Rd.  
Conroe, TX 77301  
Business Phone: (936) 441-4044

**Montgomery County Women's Center**  
1600 Lake Front Circle, Suite 100  
The Woodlands, TX 77380  
Business Phone: (936) 441-4044

**Montrose Counseling Center**  
401 Branard St, 2<sup>nd</sup> Floor  
Houston, TX 77006  
Business Phone: (713) 529-0037

**Mujeres Unidas/Women Together**

420 N. 21<sup>st</sup> St.  
McAllen, TX 78501  
Business Phone: (956) 664-2826

**Mujeres Unidas/Women Together**

111 E. 5th St  
Weslaco, TX 78596  
Business Phone: (956) 854-4369

**Panhandle Crisis Center**

P.O. Box 502  
Perryton, TX 79070  
806-435-5008

**Rape & Suicide Crisis of Southeast Texas, Inc.**

P.O. Box 3208  
Beaumont, TX 77704  
Business Phone: (409) 832-6530

**Regional Crime Victim Crisis Center**

P.O. Box 122  
Abilene, TX 79604  
Business Phone: (325) 677-7895

**Resource & Crisis Center of Galveston Co.**

Galveston, TX 77553  
Business Phone: (409) 763-1441

**Resource & Crisis Center of Galveston Co. (satellite office)**

P.O. Box 1545  
League City, TX 77573  
Business Phone: (281) 554-6983

**Resource & Crisis Center of Galveston Co. (satellite office)**

Texas City, TX 77590  
Business Phone: (409) 942-4380

**SAAFE House**

1426 Sam Houston Ave  
Huntsville, TX 77340  
Business Phone: (936) 291-3529

**SAAFE House (satellite office)**

1112 N. Dogwood  
Livingston, TX 77351  
Business Phone: (936) 327-6427

**SAAFE House (satellite office)**

108 N. Robb St.  
Trinity, TX 75862  
Business Phone: (936) 594-6415

**Safe Place, Inc.**

306 W. 7<sup>th</sup> Street  
Dumas, TX 79029  
Business Phone: (806) 935-7585

**Safeplace**

4800 Manor Rd., Bldg K  
Austin, TX 78760  
Business Phone: (512) 267-7233

**Serving Children and Adolescents in Need (SCAN)**

2417 La Pita Mangana Rd.  
Laredo, TX 78041  
Business Phone: (956) 725-7211  
Email: info@scan-inc.org

**Sexual Assault Resource Center**

Bryan, TX 77805  
Business Phone: (979) 731-1000

**Shelter Agencies For Families in East Texas (SAFE-T)  
204 Patrick St #5965, Mt Pleasant, TX 75455**

Business Phone: (903) 572-0973

**Shelter Agencies For Families in East Texas (SAFE-T)**

1249 Lamar Ave.

Paris, TX 75460  
Business Phone: (903) 783-1313

**Shelter Agencies For Families in East Texas (SAFE-T)**

Sulphur Springs, TX 75482  
Business Phone: (903) 439-0325  
Email: info@safe-tagency.com

**Southwest Family Life Centers, Inc.**

Hondo, TX 78861  
Business Phone: (830) 426-5972

**Southwest Family Life Centers, Inc.**

500 E. San Antonio, Suite 4  
Pearsall, TX 78061  
Business Phone: (830) 334-4556

**STARS Rape Crisis Center of El Paso**

710 N. Campbell St.  
El Paso, TX 79902  
Business Phone: (915) 533-7700

**The ARK Domestic Violence and Sexual Assault Shelter**

**2900 Coggin Ave**  
Brownwood, TX 76801  
Business Phone: (325) 643-2699

**The Bridge Over Troubled Waters, Inc.**

**3811 Allen-Genoa Rd**  
Pasadena, TX 77501  
Business Phone: (713) 472-0753

**The Crisis Center**

**910S. Grant Ave.**  
Odessa, TX 79761  
Business Phone: (432) 333-2527

**The Family Place**

Dallas, TX 75209  
Business Phone: (214) 941-1991

**The Harbor Children's Alliance & Victim Center**

215 W. Railroad  
Port Lavaca, TX 77979  
Business Phone: (361) 552-1982

**The Rape Crisis Center**

San Antonio, TX 78227  
Business Phone: (210) 521-7273

**The Turning Point Rape Crisis Center of Collin County**

Plano, TX 75086  
Business Phone: (972) 985-0951

**The Women's Center of Tarrant County (satellite office)**

Arlington, TX 76017  
Business Phone: (817) 548-1663

**The Women's Center of Tarrant County**

Fort Worth, TX 76110  
Business Phone: (817) 927-4040

**Tralee Crisis Center for Women, Inc.**

Pampa, TX 79066  
Business Phone: (806) 669-1131  
Email: info@traleecrisiscenter.com

**Victim Intervention Program/Rape Crisis Center**

4811 Harry Hines Blvd.  
Dallas, TX 75235  
Business Phone: (214) 590-2926

**Victim Services of Big Spring**

Big Spring, TX 79721  
Business Phone: (432) 263-3312

**Victims Outreach**

Dallas, TX 75205  
Business Phone: (214) 358-5173

**Wintergarden Women's Shelter, Inc.**

Carrizo Springs, TX 78834  
Business Phone: (830) 876-9656

**Wintergarden Women's Shelter, Inc.  
(satellite office)**

Eagle Pass, TX 78852  
Business Phone: (830) 757-5188

**Women's Center of Brazoria Co., Inc.  
(satellite office)**

629 Sunset  
Alvin, TX 77511  
Business Phone: (281) 585-0904

**Women's Center of Brazoria Co., Inc.  
(satellite office)**

715 N. Valderas  
Angleton, TX 77516  
Business Phone: (979) 849-9553

**Women's Center of Brazoria Co., Inc.  
(satellite office)**

1331 N. Ave. I  
Freeport, TX 77541  
Business Phone: (979) 233-7174

**Women's Center of Brazoria Co., Inc.  
(satellite office)**

2335 N. Texas  
Pearland, TX 77584  
Business Phone: (281) 485-0934

**Women's Center of Brazoria Co., Inc.  
(satellite office)**

510 E. Brazos  
West Columbia, TX 77486  
Business Phone: (979) 345-5014

**Women's Center of East Texas**

Longview, TX 75606  
Business Phone: (903) 295-7846

**Women's Shelter of South Texas (satellite  
office)**

Alice, TX 78332  
Business Phone: (361) 884-2900

**Women's Shelter of South Texas (satellite  
office)**

Beeville, TX 78102

Business Phone: (361) 362-1187

**Women's Shelter of South Texas**

Corpus Christi, TX 78463  
Business Phone: (361) 884-2900

**Women's Shelter of South Texas**

Kingsville, TX 78463  
Business Phone: (361) 881-8888

**Women's Shelter of South Texas (satellite  
office)**

Sinton, TX 78463  
Business Phone: (361) 364-0661

# Appendix V

CCP Art. 57.01 "**Pseudonym**" means a set of initials or a fictitious name chosen by a victim to designate the victim in all public files and records concerning the offense, including police summary reports, press releases, and records of judicial proceedings.

CCP Art. 57.02. **CONFIDENTIALITY OF FILES AND RECORDS.** (a) The Sexual Assault Prevention and Crisis Services Program of the office of the attorney general shall develop and distribute to all law enforcement agencies of the state a pseudonym form to record the name, address, telephone number, and pseudonym of a victim.

(b) A victim may choose a pseudonym to be used instead of the victim's name to designate the victim in all public files and records concerning the offense, including police summary reports, press releases, and records of judicial proceedings. A victim who elects to use a pseudonym as provided by this article must complete a pseudonym form developed under this article and return the form to the law enforcement agency investigating the offense.

(c) A victim who completes and returns a pseudonym form to the law enforcement agency investigating the offense may not be required to disclose the victim's name, address, and telephone number in connection with the investigation or prosecution of the offense.

(d) A completed and returned pseudonym form is confidential and may not be disclosed to any person other than a defendant in the case or the defendant's attorney, except on an order of a court of competent jurisdiction. The court finding required by Subsection (g) of this article is not required to disclose the confidential pseudonym form to the defendant in the case or to the defendant's attorney.

(e) If a victim completes and returns a pseudonym form to a law enforcement agency under this article, the law enforcement agency receiving the form shall:

(1) remove the victim's name and substitute the pseudonym for the name on all reports, files, and records in the agency's possession;

(2) notify the attorney for the state of the pseudonym and that the victim has elected to be designated by the pseudonym; and

(3) maintain the form in a manner that protects the confidentiality of the information contained on the form.

(f) An attorney for the state who receives notice that a victim has elected to be designated by a pseudonym shall ensure that the victim is designated by the pseudonym in all legal proceedings concerning the offense.

(g) A court of competent jurisdiction may order the disclosure of a victim's name, address, and telephone number only if the court finds that the information is essential in the trial of the defendant for the offense or the identity of the victim is in issue.

(h) Except as required or permitted by other law or by court order, a public servant or other person who has access to or obtains the name, address, telephone number, or other identifying information of a victim younger than 17 years of age may not release or disclose the identifying information to any person who is

*not assisting in the investigation, prosecution, or defense of the case. This subsection does not apply to the release or disclosure of a victim's identifying information by:*

*(1) the victim; or*

*(2) the victim's parent, conservator, or guardian, unless the parent, conservator, or guardian is a defendant in the case.*

APPENDIX VI



**Law Enforcement Request for Sexual Assault Exam**

| General Information  |  |                                       |   |
|--|--|---------------------------------------|---|
| <p>For all reported cases of sexual assault under Texas Code of Criminal Procedure Article 56.06, a law enforcement agency (LEA) must:</p> <ul style="list-style-type: none"> <li>• Use this form to document the decision whether to request a sexual assault exam</li> <li>• Provide a copy of this completed form to:                             <ul style="list-style-type: none"> <li>◦ both the health care facility and the sexual assault examiner or sexual assault nurse examiner who provides services to the victim that are related to the sexual assault; and</li> <li>◦ the victim or the person who consented to the sexual assault exam on behalf of the victim</li> </ul> </li> <li>• Maintain the completed form in accordance with the LEA's record retention policies</li> </ul> <p>The Office of the Attorney General will not process an application for reimbursement of the forensic costs of the sexual assault exam under Article 56.06 without a copy of this completed form.</p> |  |                                       |   |
| Sexual Assault Exam Information  |  |                                       |   |
| Victim Name (Last, First, Middle):   |  | Victim DOB:                           | Male <input type="checkbox"/> Female <input type="checkbox"/> |
| Date of Sexual Assault:  | Date Sexual Assault Was Reported to LEA: | County Where Sexual Assault Occurred: |   |
| LEA Name:  |  | LEA Case Number:                      |   |
| LEA Point of Contact:  |  | LEA Phone Number:                     |   |
| LEA Email Address:   |  | Hospital/Medical Facility Name:       |   |
| Hospital/Medical Facility Physical Address:  |  |                                       |   |
| Sexual Assault Exam Request Decision (LEA must certify, using the check boxes, whether a sexual assault exam was requested or declined.)   |  |                                       |   |
| <p><b>Request</b></p> <p><input type="checkbox"/> I certify that the listed LEA <b>requested</b> a sexual assault exam for an assault reported within 120 hours of the assault under Article 56.06 (a-1) or outside of 120 hours of the assault <b>and the LEA considered the exam appropriate under Article 56.06 (b).</b></p>  |  |                                       |   |
| <p><b>Decline to Request</b></p> <p>I certify that the listed LEA <b>declined to request</b> a sexual assault exam because:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> The LEA could not obtain consent of the victim, a person authorized to act on behalf of a victim, or an employee of the Department of Family and Protective Services [Article 56.06 (a-1)]</li> <li><input type="checkbox"/> The person reporting the sexual assault has made one or more false reports of sexual assault to the LEA <b>and there is no other evidence</b> to corroborate the current allegations of sexual assault [Article 56.06 (a-1)]</li> <li><input type="checkbox"/> The sexual assault was not reported within 120 hours of the assault <b>and an exam was not considered appropriate by the LEA</b> [Article 56.06 (b-1)]</li> </ul>  |  |                                       |   |
| Authorized LEA Signature   |  | Date                                  |   |
| Printed Name   |  | Title                                 |   |