

# Sexual Assaults

Basic Academy

LD107

3 Hours

## I. Learning Objectives

### a. Overview

- i. Sexual Assault Investigations Unit
- ii. Elements of Sex Crimes
- iii. Calltaker Considerations
- iv. Open your eyes

### b. SAIU

- i. Largest unit in BOI
- ii. Over 2000 cases a year
- iii. 40-50 cases per detective
- iv. 3 year assignment
- v. Experience
- vi. Hours available to you
  - 1. OD and On-Call
- vii. Bullpen – 3 teams
- viii. 290 Team (Megan's Law)
- ix. Child Exploits Detail/ICAC
- x. \*Human Trafficking Sgt

### c. Sex Crimes

- i. Lack of consent is a key element in many sex crimes
  - 1. What does it mean to you?
  - 2. Consent
    - a. Consent is positive cooperation in act or attitude pursuant to an exercise of free will
    - b. It means agreeing to an action freely and voluntarily and with knowledge of the nature of the act or transaction involved
  - 3. Lack of consent examples
    - a. A person cannot give consent when being threatened with bodily harm toward them or another
    - b. A person under the age of 18 is no considered capable of giving consent under the law
    - c. A person cannot consent if he or she does not understand the nature of the act
      - i. Incapable due to mental disorder, development, or physical disability
    - d. Victim is unconscious of the nature of the act because
      - i. Unconscious or asleep
      - ii. Not aware or perceiving that the act occurred
      - iii. Not perceiving due to fraud
    - e. Intoxicating or anesthetic substance and suspect knows or should have known this
  - 4. Other Consent Issues

- a. Previous or current relationship does not automatically mean consent
    - b. Request to use birth control does not constitute consent
  - ii. 261PC – Rape
    - 1. Rape defined:
      - a. An act of penile/vaginal intercourse
      - b. without the consent of the person
    - 2. Felony
    - 3. Penetration, however slight, completes the act of rape
  - iii. 288 PC – Oral copulation
    - 1. Touching the mouth of one person to the sexual organ or anus of another
    - 2. Without consent of the victim
    - 3. Felony
  - iv. 286 PC – Sodomy
    - 1. Sexual conduct consisting of
      - a. Contact between
      - b. The penis of one person and
      - c. The anus of another person
      - d. Without consent
      - e. Felony
  - v. 289 PC – Penetration with a foreign object
    - 1. The use of a foreign object or unknown object for purposes of sexual arousal, gratification, or abuse
    - 2. To penetrate, however, slight
    - 3. The genital or anal openings
    - 4. Or where the suspect causes the victim to penetrate another person
    - 5. Or where the suspect causes the victim to penetrate the suspect
    - 6. Against the person's will
    - 7. Felony
  - vi. 220 PC – Assault to commit sex crimes
    - 1. Assault
    - 2. With specific intent
    - 3. To commit certain sex crimes (286, 289, etc)
    - 4. Act is not completed, only attempted
    - 5. Felony
  - vii. 243.4 PC – Sexual battery
    - 1. Any person who touches the intimate part of another person
    - 2. While that person is unlawfully restrained by the suspect or an accomplice
    - 3. Touching is against the will of the victim
    - 4. Purpose is for sexual arousal, sexual gratification, or sexual abuse
    - 5. Wobbler
  - viii. 261.5 PC – Illegal intercourse
    - 1. Act of sexual intercourse
    - 2. With a person under the age of 18
    - 3. Felony? Misd?
    - 4. Within 3 years- Misd

5. Susp 21, Minor U16- Wobbler
- ix. 288 PC – Child Molestation
  1. Touching a child under 14
  2. For sexual purposes
  3. Also called “Lewd and Lascivious Conduct”
  4. Felony
- x. 647.6 PC – Child Annoyance
  1. Every person who annoys or molests any child under 18 shall be punished in county jail. (Misd)
  2. “Annoy” and “Molest” is:
  3. Motivated by sexual interest in a child
  4. And, which is likely to disturb, irritate or be observed by a child or children.
- xi. 314 PC – Indecent exposure
  1. Every person who
  2. Willfully and lewdly
  3. Exposes their private parts \*
    - a. \*sexual organ, anus, groin, or buttocks of any person and the breast of a female
  4. Where there are others present to be offended
- d. Calltakers Role In The Investigation of Sex Crimes
  - i. Scenario Review
  - ii. Setting the Tone
    1. Because sexual assaults are traumatic and generate severe emotional stress, what does the calltaker need to keep in mind when speaking to the victim?
  - iii. Victim
    1. First and Foremost ensure the physical well-being of the victim
    2. “Are you hurt?” vs. “Are you okay?”
    3. EMS needed?

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

- f. Megan’s Law
  - i. SJPD Megan’s Law Team
    1. Staff
      - [REDACTED]
      - [REDACTED]
      - [REDACTED]
      - [REDACTED]
  - ii. Megan Kanka Case

1. 4 months after case California enacted their own Megan's Law, as defined in California Penal Code section 290
- iii. 290 PC Registration
  1. This law was implemented to allow potential victims to protect themselves, and allow parents to protect their children
  2. "for the rest of his or her life while residing in, or, if he or she has no residence, while located within California, or while attending school or working in California..."
  3. "...shall be required to register with the Chief of Police of the city in which he or she is residing."
  4. The police cannot detain or arrest someone solely because they are a sex offender
  5. 290 Registration is not:
    - a. Parole
    - b. Probation
    - c. Searchable
  6. Restrictions on where a registrant can work/volunteer
    - a. A registrant who works, or volunteers, in a position where they would be working directly with minor children (under age 18) must disclose the fact that they are a registrant to the employer, group, or organization [290.95 PC]
    - b. A registrant cannot be employed, or volunteer, in a position where they would be working directly with minor children (under age 18), if their underlying offense involved a victim under the age of 16 years old
  7. School Restrictions
    - a. 626.81PC – Unlawful for sex registrant to be on school grounds K-12
    - b. Misdemeanor
  8. When is registration required?
    - a. Within 5 working days of release from custody
    - b. Within 5 working days of changing address
    - c. When living in two locations, both must be registered
    - d. Annually, within 5 working days of every birthday
    - e. Transients every 30 days
  9. Registrant information available on CA Megan's Law Database Website
  10. Compliance Checks can be performed
  11. Polly Klaas Case
  12. Supervised Release File (SRF)
    - a. Parolees and 290 registrants
    - b. "10-36 Non arrest information"
- g. Child Exploits Detail/ICAC
  - i. Internet Crimes Against Children TF
    1. 61 Regional Task Forces in the US
      - a. Locally, Silicon Valley Internet Crimes Against Children Task Force (SVICAC)
    2. What does ICAC do?

- a. Child Porn Possession and Distribution
  - b. NCMEC Cybertips
  - c. Google
  - d. Microsoft
  - e. Meetme.com
  - f. Over 4000 Cybertips a year
  - g. [REDACTED]
  - h. Motherless.com
  - i. Paltalk
  - j. Chatroulette
  - k. Omegle
3. ICAC Suspects
- a. Different ages
  - b. Different races
  - c. Different socio-economic backgrounds
4. Human Trafficking
- a. Human trafficking is controlling a person through force, fraud or coercion-physical or psychological- to exploit the person for forced labor, sexual exploitation or both
5. Resources

POST Required Hours       3   

Agency Specific                     

TOTAL Hours          3