Special Victims Unit Unit Guidelines Revised March 2024

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Mission

The crime of sexual violence encompasses several unique categories of abuse, and each of these categories requires a specific type of investigative expertise. The Special Survivor's Unit is responsible for investigating illegal possession, transmission, and production of Child Sexual Abuse Material (CSAM), Human Trafficking (H.T.) and Sex Offender Registration Violations.

The term "Child Sexual Abuse Material" (CSAM) is defined as child pornography as any visual depiction of sexually explicit conduct involving a minor (a person less than 18 years old). These images and videos document survivors' exploitation and abuse. When these files are shared across the Internet, child survivors suffer additional trauma each time the image of their sexual abuse is viewed.

The term "Human Trafficking" (H.T.) includes the business of stealing freedom for profit. In some cases, traffickers' trick, defraud or physically force survivors into selling sex. In others, survivors are lied to, assaulted, threatened, or manipulated into working under inhumane, illegal, or otherwise unacceptable conditions.

Sex offender registration violations originated from California's Megan's Law, which was enacted in 1996, and it mandates sex registrants to register with their local law enforcement agency. Megan's Law authorizes local law enforcement agencies to notify the public about sex offender registrants found to be posing a risk to public safety.

The Special Victim's Units (SVU) responsibilities include a range of sexual assault law violations. SVU is housed at an offsite facility. Due to the specific type of investigative expertise housed within SVU, it is often called upon by SAIU and Command Staff to handle unique or special investigations (Refer to Appendices for Case Referrals SOP's). Each team within SVU is responsible for a specialty that falls under the sexual assault umbrella; however, each specialty is unique and investigative approaches may differ from team to team (Refer to Appendices for each Unit's SOP). SVU falls under the command of Investigations 1 within the Bureau of Investigations.

SVU was created in February of 2020, and it houses the Internet Crimes Against Children Task Force (ICAC) / Child Exploits Detail (CED), the San Jose Human Trafficking Task Force (SJHTTF), and the Megan's Law / 290 Unit. SVU investigates all adult, youth, CSAM, H.T., and Sex Offender Registration Violations. SVU's approach to these cases is to make an arrest in every situation legally permissible and ensure survivors have access to resources that may assist them in obtaining support services. SVU is in constant communication with Community Solutions Advocates and YWCA Advocates who assist survivors with the help and information needed to recover and heal. Furthermore, SVU works closely with the Santa Clara County Department of Family and Child Services (DFCS) and Santa Clara County Juvenile Probation Department (SCCJPD) in familial youth cases. SVU also works closely with the Santa Clara County District Attorney's Office Sexual Assault Unit (SCCDA SAU) in referring cases for prosecution and supporting cases filed by the SCCDA's office.

SVU is authorized to have eighteen sworn and two non-sworn personnel. The current staffing consists of the following:

Sworn

- 1 Lieutenant
- 3 Sergeants
- 14 Detectives

❖ Non-sworn

- 1 Office Specialist II
- 1 Forensic Analyst

Schedule

SVU Detectives and Sergeants will keep regular work hours and keep regular workdays. An individual's days off will either be Saturday, Sunday and Monday, or Friday, Saturday and Sunday. The regular business hours of SVU will be 8:00 a.m. to 5:00 p.m., and each individual's regular hours should include this period. Due to the nature of SVU's responsibilities, each member's schedule may fluctuate outside of the regular business hours of 8:00 a.m. to 5 p.m. Each supervisor will establish work schedules for each member of the supervisor's team, in consultation with the affected members. Permanent or long-term exceptions to the days off and hours noted above require the approval of SVU Commander. Supervisors may approve a temporary change for suitable reasons.

Any change to the above referenced work schedule will be with the approval of SVU Commander. Seniority in SVU and / or rank will be the determining factor in choosing their days off. Unit personnel will strive to flex their weekly work schedules to minimize overtime. Unless otherwise approved by a supervisor, a regular daily work schedule shall be observed. *If an investigator varies* from the assigned schedule, *the individual's supervisor, or an alternate supervisor, shall be advised*. If an investigator will be more than 15 minutes late for their assigned schedule, they are directed to notify a sergeant. If an investigator calls in sick or needs to use emergency time off, the investigator's supervisor, or an alternate supervisor will be advised.

Officer Wellness / Physical Fitness

Mid-day, before shift and end of shift workouts are acceptable, providing the workout is in addition to the investigator's 10-hour day and any time spent for lunch. If an investigator is assigned to a 10 ½ hour shift, the lunch hour shall be restricted to a half-hour. The use of facilities which are on other-than-city premises for exercise, such as a private gym, or a running course which does not begin and end at PAB, will be done during a time other than the scheduled workday.

Time-Off Requests

T.O. requests shall be channeled through the member's supervisor or team leader

should also include all planned vacation, training and sick leave, etc.

Unit members taking sick leave or who expect to be late to work will notify a supervisor in advance

of the start of the affected shift.

Unless prior arrangements with a supervisor have been made, all officers are expected to complete their 10 ½ -hour shift before signing off for the day.

Unit members leaving the office will notify their supervisor and with the supervisor's concurrence is required for:

- Absences from the office longer than three hours.
- Absences involving the member first arriving at the office for the day later than his or her scheduled start time.
- Leaving the office for the day before the end of the scheduled workday.

Leaving the City

Whenever a member plans to conduct any police function outside San Jose city limits, he or she will notify a supervisor in advance. Supervisors will evaluate the planned activity and ensure that it is appropriately planned, proper resources are available, and notifications up the chain of command are made, when appropriate. SVU Commander will be notified when officers need to leave the city limits.

Leaving the County

Whenever a member plans to leave Santa Clara County while on-duty or in a city vehicle (other than traveling to or from home when "on-call"), he or she will notify a supervisor in advance. The supervisor will ensure the activity is appropriate and will inform SVU Commander. In the absence of SVU Commander, the supervisor will inform a Bureau of Investigations Captain.

Overtime

Any pre-planned overtime to be worked must be approved by a supervisor. In the event an Investigator's accumulated comp time exceeds 480 hours, SVU Commander will be notified, and a reduction plan should be formulated. Regardless, all Unit members will abide by the current Memorandum of Agreement and comply with all overtime reduction as specified in MOA, Section 13.6.5.

All paid overtime will be in accordance with that maximum authorized City agreement. To maximize SVU's funding, members should only apply the overtime to SVU related functions. To this end, a Unit member working city-funded pay jobs must obtain the <u>5-digit prime number</u> that identifies the overtime fund from which the funds will be derived and include the number on the applicable time sheet.

Unit Meetings

Unit meetings will be conducted as needed. It is the supervisor's responsibility to ensure investigators attend. Unit members must be prepared to discuss current cases.

If an investigator absolutely cannot attend a meeting, his/her supervisor must be apprised. Individual schedules must be arranged to accommodate unit meetings. Supervisors must advise any absent team member of the content of any missed meeting.

<u>Telephones</u>

Everyone in SVU has the responsibility of answering incoming telephone calls. Any employee or supervisor in SVU who realizes a ringing phone is not being immediately answered should take it upon him or herself to answer the call and minimize the time the caller is waiting for an answer.

In order to clarify the role of the officer-of-the-day, in general, answering incoming telephone calls is a responsibility of the non-sworn members of SVU. The progression of responsibility for this function is expected to be:

- First: The Office Specialist (OS)
- Second: The Forensic Analyst (FA)
- Third: Any other member in SVU

In the absence of the front-counter OS, there should be one individual responsible for the telephones. Therefore, when alone at the front counter, the OS relief from this function should ask the FA to handle incoming calls. Should the FA need relief, that person should ask any other member in SVU to answer the phones.

On-Call Procedures

SVU does not have an official on-call requirement or authorization. However, it is a unit expectation that each officer will make every effort to report back to work if requested by his/her supervisor.

Due to the unique responsibilities of SVU, each team (ICAC / CED, HT, and 290) has it's own threshold cases/circumstances that would illicit a call back request from a supervisor or the lieutenant.

ICAC / CED:



A supervisor may deem any case necessary for an on-call response based upon the totality of the circumstances.

BFO personnel are responsible for conducting preliminary investigations, which may include the following:

- Survivor interviews
- Witness interviews
- Canvass
- Location and collection of evidence
- Holding and securing a scene until a warrant can be served
- Documentation of the event and booking of evidence, including SAFE kits

On-Call Purpose

The successful prosecution of people who commit sex crimes in San Jose is the reason our unit exists. Our investigators have skills and resources patrol officers may not, and those skills and resources are meant to be used to gather evidence which might be lost if appropriate steps are not

immediately taken. It is not possible to clearly define in advance every possible case which will call for an investigator's response and which will not. Supervisors should balance the severity of the offense with the risk of losing evidence when deciding whether to respond. Common sense is expected to rule, and errors should be on the side of an immediate response.

Investigators should expect patrol officers to see to their responsibilities, and are expected, themselves, to see to the responsibilities of an SVU investigator. Supervisors should bear in mind that declining to respond when patrol supervisors believe an investigator's response is called for can be a source of resentment between the Bureaus. A decision not to respond in such a case must be based on solid logic and carefully explained to the patrol supervisor.

Occasionally, cases arise that require more investigative resources than those of the primary team. In those events, additional members may be asked to respond in to assist in the investigation. The supervisor will notify SVU Commander in the event a call-back is initiated.

Investigators will not respond if they have consumed any intoxicating substance that will affect their ability to immediately respond for duty and will not use intoxicants while operating a city or grant vehicle.

Investigators will always carry a cellular phone and will update their contact information with communications as needed. The goal for a response is to respond into the Department as soon as practical.

Supervisors and officers will be compensated in accordance with the current Department Memorandum of Agreement (MOA).

Sergeants will document their actions for calls requiring direction, advice, or call-back response in an email to SVU Commander. The purpose for documenting these actions is for future reference by SVU Commander or other members of the Department.

SVU Commander should be notified immediately when the following cases come to the attention of any member of SVU:

- Cases involving members of the San Jose Police Department or members of an employee's immediate family.
- Cases involving federal, state, or local law enforcement officers in any capacity.
- Cases likely to generate media attention, or ones that involve community notables.
- Any case involving a crime scene which calls for processing by the Crime Scene Unit (major serial cases etc.).
- Cases needing immediate follow-up the following morning if the initial responding investigators leave for home and on-duty personnel resume the investigation.
- Cases requiring a call-back for an SVU team.

SAFE Exams

Department members will refer to Training Bulletin 2022-014 – "Sexual Assault Forensic Exam

(SAFE) Procedures" regarding SAFE Exams.

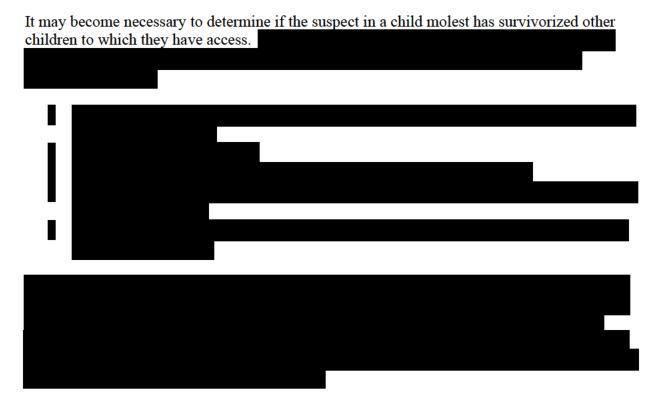
<u>Investigators and Assigned Cases</u>

Once assigned, responsibility for the complete investigation of a case belongs to, and stays with the investigator first assigned, regardless of whether that case was reviewed by the receiving detective. Recognizing a personal and professional responsibility to one's work is required in this assignment and is fundamental to one's competence.

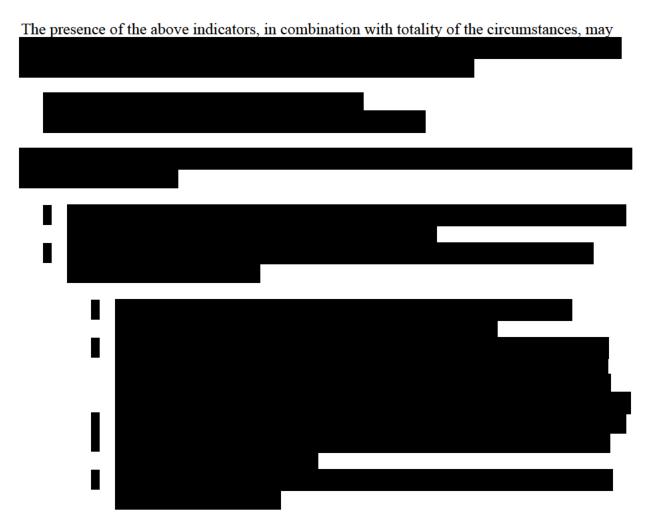
The on-call investigator is not responsible for cases which have already been assigned to another investigator. This assigned detective should have had ample time to commence the investigation (at least 3 business days to review the case and contact the survivor). In the event of a significant after-hours development in an assigned case, that case's investigator is responsible for addressing the situation. When new information comes to the attention of a supervisor, that supervisor will make every effort to contact the assigned investigator. Every member of this unit is subject to being called back to work. When necessary, the assigned investigator will respond to carry out immediately necessary follow-up at that time.

In the event the assigned investigator is unable or otherwise unavailable to respond, an available investigator will be assigned the work. The investigator will complete whatever follow-up the situation dictates. Once necessary follow-up is complete, or the assigned investigator becomes available, responsibility for the case returns to the assigned investigator.

Welfare Check for Additional Survivors



Welfare Check / Patrol Procedures



Case Management

When a General Offence (GO) report is sent to SVU by the Case Management Unit, it is reviewed by the appropriate sergeant or investigator from either ICAC / CED, HT, or 290.

In the event individual cases have been assigned to different detectives and it is later determined that the cases are part of a string or related, a SVU sergeant shall re-assign the related cases to the primary (first in time) detective handling the case and make the appropriate status changes in Versadex.

When a case is assigned, the assigning SVU sergeant shall be responsible for entering it into Versadex. It will then be forwarded to the assigned Investigator. The detective should acknowledge receipt of the case by utilizing the electronic notes of the associated case. Detectives should try to maintain a caseload of no more than 30 active cases.

Case assignments should be prioritized by considering the following solvability factors:

- Suspect in custody
- Safety plan for the survivor and potential survivors
- Severity of the sexual offenses
- Age and/or mental capacity of the survivor
- Identity or relationship of the suspect
- High profile cases, media interest
- Hate crimes
- Serial cases
- Multi-jurisdictional serial cases, investigative task force operations
- Cases with poor or vague information
- Survivor is unable or unwilling to ID perpetrator
- Uncooperative survivor
- Case is unfounded

When a case is closed, the assigned detective will submit it through Versadex in the SVU Handle. The case will be reviewed by the appropriate supervisor and accepted or rejected then returned to the detective for further investigation.

Detectives will be responsible for managing their caseloads in Versadex. It is crucial that detectives check their assigned cases daily in order to ascertain if new cases have been received.

A 120-day due date will be assigned to all cases in Versadex. Cases older than 120 days should be updated with notes as to why the case is still open. The sergeant will then update and extend the dairy date to the appropriate amount of time, not exceeding 30 days. After 30 days the case should be reevaluated to make every effort to conclude investigations in a timely manner.

Detectives will regularly enter case notes into the Versadex system for each of their cases. This may be done within the case notes or a supplemental report. This status should include a list of completed and pending investigative steps, phone calls, or interviews. This is important for all SVU personnel should a question or development arise in the lead detective's absence.

For ease of reference, Detectives should consider maintaining a personal log of assigned cases and their dispositions on old cases and for providing accurate statistics when needed.

Pending Lab Results Dispositions

Cases that have been closed that have DNA evidence attached, may at some future date receive notice of a DNA match. These cases need to be reopened and reexamined. The status of the DNA match should be determined (i.e., suspect match or consenting partner match). If circumstances warrant further criminal investigation/apprehension, the case will be assigned to a SVU detective for follow-up. The case will be closed in the same manner as other Versadex cases at its conclusion.

 Note: Sergeants must be aware that these reopened cases will not ask for an additional supervisor approval upon reclosure. Cases that have been previously approved and closed by a supervisor, do not require a second supervisor approval in the Versadex system. The detective's respective sergeant is responsible to verify that these cases are handled properly and closed out accordingly.

Investigation Guidelines

Case Notes: The case note section should include a detailed log of all investigative activities, i.e., contacts with survivor(s) and witness (es), attempts to contact, interviews, supplemental written information, recorded information, and any other appropriate activity. This log will serve as a convenient reminder of work done and results, will assist supervisors or other investigators who may need to review or assist in the case, and provide a record for any administrative review.

Upon completion of the case, detectives will ensure that all investigative steps taken are documented in the follow-up section of the assigned GO and attached to the case. This includes cases that are closed and not filed with the district attorney. Case information is critical if further information is developed in the future and the case needs to be reopened by another detective. Case notes should be brief but include enough detail to be easily comprehensible. Telephone numbers needed for follow-up should be logged into the case note section.

Major Case Investigation

Review Case

Detectives will clear up any discrepancies they find with the original report. Detectives may need to contact the on-scene patrol officers and review body worn camera statements. Detectives will determine the status of all evidence in the case and ensure it is properly accounted for and booked into evidence

The detective should highlight important facts for ease of reference. The detective should find the following important facts in the report:

- Can the survivor identify suspect?
- Is the survivor aware of other survivors or witnesses?
- Are they cooperative and willing to pursue this case?
- Do you need to photograph their injuries?
- Do they require a SAFE?
- Assess the language needs of survivor

• Collect physical evidence: electronic, social media, photographs, surveillance cameras from bars, hotels or residences, crime scene, bedding or clothing

Contacting and Updating Survivors

An investigator receiving a new case for investigation is directed to telephone or otherwise contact the survivor as soon as possible after reviewing the case and in no case *more than 3 working days after assigned the case*. The single characteristic mentioned by survivors happy with the work of the investigator assigned their case, is that they were kept informed. The characteristic most often mentioned by survivors unhappy with their treatment was the lack of communication. A survivor who hears from the assigned investigator right away will almost certainly be more satisfied with the department's service, be more cooperative with the investigator, and less likely to take the counsel of those who might encourage them to "not prosecute."

This initial contact is to be done even if the investigator knows he or she will not be able to proceed with the case for some period. Survivors of crimes deserve this small consideration.

Detectives will arrange a follow-up interview with survivor(s). The follow-up interviews are best done in person and should be conducted in the SAIU Interview Rooms (or CAC if appropriate) and recorded.

SVU Detectives will use a survivor-centered approach in all interactions with sexual assault survivors to ensure that they are treated with compassion and respect and to encourage survivors' continued involvement and cooperation with the investigation.

Informing survivors who have recently suffered severe trauma of a daunting investigation processes should not create an atmosphere that can dissuade the survivor in assisting with the investigation. Detectives are expected to deploy a trauma-informed approach using empathy, compassion, and effective interviewing techniques to build a connection and rapport with the survivor.

If there is no telephone number for the survivor, the detective should send a letter to the survivor. This letter introduces you as the assigned case detective, lists the case number and the department's address and unit phone number. It asks the survivor to contact the detective as soon as possible. This letter should be scanned and saved in Versadex as an attachment.

After the initial follow-up interview(s), the detective should maintain contact with the survivor(s), to keep them apprised of the status of the case. Remembering that survivors appreciate courtesy and sensitivity, the detective should express concern and genuine interest in solving the case. If needed, the detective may refer the survivor(s) to the Survivor/Witness Assistance Program, a mental health care agency or rape counselor/advocate to help cope with the trauma of the assault.

The detective should leave his/her business card with the survivor(s) so that the Investigator may be personally contacted in the future by the survivor(s).

<u>SAFE</u>

Detectives will ensure that SAFE results are scanned and saved as an attachment in Versadex.

Canvass

Detectives are encouraged to re-canvass the original crime scene

Video Evidence

Detectives should view all video evidence and ensure it has been properly collected and submitted

Physical Evidence

Detectives will review all physical evidence collected in cases. All pertinent physical evidence will be taken to Crime Lab without delay to process for any trace evidence.

Latent Prints

Detectives will obtain any latent fingerprints cards submitted into evidence. These cards will be taken to Central Identification Unit for analysis and comparisons.

Police Sketch Artist

Detectives should consider using one of the Police Sketch Artists for a rendering of a suspect in a case. This is especially useful with good survivors/witnesses where no video evidence was collected. The artist is able to develop details in description of the perpetrator that may not be present in the survivor(s)' interview. After the sketch is completed, the detective should have it published in a Watch Bulletin, TRAK flyer, other special bulletins, the media, etc.

TRAK Flyer

Detectives will create and distribute TRAK flyers for field officers and allied agencies through APB.Net. Detectives should put entries into the Watch Bulletin TRAK flyer as soon as possible so that information about the crime can be shared with patrol units and other allied agencies.

Detectives and/or SVU sergeants are encouraged to attend Patrol briefings to discuss cases, answer questions and distribute TRAK flyers.

Media for Assistance / Press Release

Occasionally it is beneficial to seek the use of the media. The SJPD Public Information Officer (277-5339 or SJPDMediaRelations@sanjoseca.gov) can be of assistance in working with newspapers, radio and television. The detective may consider publicity through TV shows like "America's Most Wanted," "Unsolved Mysteries," etc. The detective should consider publishing information about the crime in SJ Mercury's "Crime Stoppers." Also consider Fugitive Watch and Crime Stoppers. Rewards can be offered for anonymous tips, through Crime Stoppers.

Press Releases will be created with general information of the incident. Detectives will retain specific facts of the case for investigative purposes. Many Press Releases are made with surveillance video or images of unidentified persons. Ensure the Video Technician has put this media into proper format for the Press. All Press Releases must be approved by SVU Commander. Once approved, they are sent to the Media Relations Office for distribution.

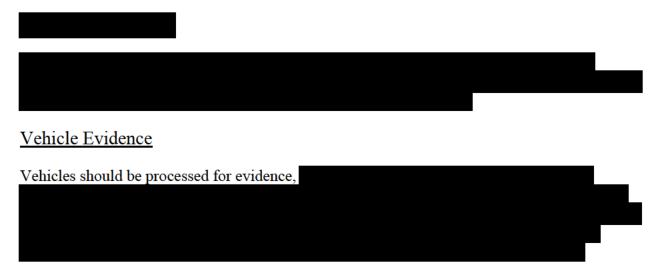
- All Press Releases shall be approved by SVU Commander prior to release
- A detective may be requested to draft a press release regarding his/her assigned case(s).
 A supervisor may provide technical assistance and direction
- In the absence of SVU Commander, a Unit supervisor may review and approve the press release. The supervisor will check with the SJPD Media Relations Officer and a BOI Captain prior to issuance of the release
- A copy of any press release should be distributed to the following persons:
 - SVU Unit Commander
 - BOI Deputy Chief
 - BOI Captains
 - SJPD Media Relations Officer
 - SVU sergeants, SVU OS
 - Case file

Records Checks and Databases

Detectives must have a strong working knowledge of the vast array of databases and information at their disposal. Detectives will run all associated parties, including survivors through appropriate systems for relevant information.

Photographic Line Ups

Photographic Line Ups will be presented in accordance with Duty Manual Section 4603 (Photographic Identifications) or within current case law with the approval of the District Attorney's Office. Photographic Line Ups should be conducted in the SAIU Unit Interview rooms and recorded.



Social Media

Detectives will have a strong working knowledge of current social media sites and be aware of current case law regarding its use.

Sharing of Information at BFO Briefings

Detectives should attend BFO briefings for patrol and Special Operations to share available information. Patrol units may often be the best resource in identifying suspects.

Recognition of Exemplary Work

Detectives should report exceptional field work to the appropriate supervisor. SVU has a form letter, which may be used to provide positive feedback. Deficiencies or problems in performance should also be addressed through the appropriate supervisor.

In cases worthy of commendation, the detective should contact the appropriate supervisor to initiate a notice of good police work to be routed through the proper chain of command. An action such as this promotes good relationships among Unit personnel and motivates further good work.

Additional Investigative Actions

Occasionally investigations become very complex and difficult to solve. Detectives are strongly encouraged to think outside the norm and be creative with their investigations.

Search Warrants

Members of this unit are expected to quickly develop the knowledge and skills necessary to prepare the documents required to seek a search warrant. Generally, in routine cases, investigators should prepare draft affidavits and warrant forms, and have a unit supervisor review those documents before approaching the District Attorney's Office for approval.

Unit members should not take this guideline to mean they may not seek direction from or consult with a Deputy District Attorney while considering whether a search warrant is practical in a particular case.

Planned Enforcement Operations



Planned operations will be documented on a SVU Operations Plan and approved by a supervisor. Approved plans will be forwarded to SVU Commander. Involved investigators will properly brief all officers who will be present during the enforcement operation.

This guideline applies to operations undertaken by members of this unit. Efforts to make arrests by members of patrol or Special Operations teams, where SVU members are not directly involved, is left to the planning and direction of those teams' chain of command.





Minimum Investigative Standards

Detectives will review cases and clear up any discrepancies they find with the report.

Detectives will contact Survivors within 3 working days. If there is no telephone number/email address for the survivor, the detective should attempt to contact the survivor in person. If there is no other method of contact available or other methods have been unsuccessful the detective should send a letter to the survivor.

Detectives will review all video evidence in the case and ensure all video evidence was collected.

Detectives will review all physical evidence and ensure all pertinent physical evidence is taken to the crime lab for analysis within one week of receiving case. Any latent prints should be taken to Central Identification Unit for comparison or analysis as soon as practical.

Detectives will create a TRAK flyer if appropriate. TRAK flyers will be distributed to BFO and other agencies through APB.Net. Always include SVU Disclaimer on all TRAK flyers "This information is for Law Enforcement Purposes Only". Cases largely dependent upon results of a TRAK Flyer response will be closed within a reasonable amount of time.

Cases pending lab results will be closed in Versadex using the code "P". This closes the case pending the results of the crime lab. At which time, the case can be reopened, and the investigation will continue.

In order to show due diligence with regards to contacting survivors, detectives should (at a minimum) complete and document:

- ➤ Three (3) recorded phone contacts
- ➤ One (1) ATL at the survivor's last known address (canvas as necessary to determine whereabouts & contact info for survivor)
- ➤ One (1) Survivor Contact letter allowing the survivor at a minimum at least 7 business days to contact the detective regarding the case.

Child Interviews

The Children's Interview Center (CAC) is the appropriate location to interview survivors under the age of eighteen. To the extent possible, all children should be interviewed at the Child Advocacy Center as opposed to the SAIU interview rooms. Interviews of children at the Children's Advocacy Center are scheduled and tracked by the Center's Coordinator. On occasion, in an unusual circumstance, investigators may interview the children at an alternate site after first clearing it through their supervisor.

Use of Family Room – PAB Rm 313

The Family Room located on the third floor of PAB will be used as a waiting room for family members or witnesses who are associated to an SVU investigation. The room should be supervised by Department personnel when in use.

SAIU assumes exclusive control of this room and any other unit requesting the use of this room must have clearance by a supervisor from SAIU.

Ramey Warrants and Walk -Through Warrants

The use of a Ramey and "walk-through" warrants are encouraged during an investigation and necessary for a quick Special Operations response in assisting with the apprehension of a suspect. However, a Ramey warrant should not be left unserved for more than 30 days. If a Ramey warrant has been unserved for more than thirty days, the investigator should initiate a walk-through warrant process for the wanted suspect. It is the investigators responsibility to ensure that a Ramey warrant service is treated as an in-custody (The DA's Office will not matchup a submitted case for review with a Ramey that was served later). Any time before the 30-day mark, it is the responsibility of the investigator to ensure that a walk-through warrant process is initiated when they want to submit their case for DA review.

Interview and Interrogations

Current law allows police officers interrogating suspects to allude to incriminating evidence the the law does not permit an officer to use a technique likely to cause an innocent person to confess to a crime he or she did not commit.

The use of any deception during an interrogation will be pointed out as such and completely described in the officer's report of the interrogation.

and retained as evidence in the case.

<u>Interviewing and Booking Arrestees</u>

Unit members should <u>not</u> regard patrol officers as available to book prisoners as a convenience. Members should try to avoid calling for patrol officers to transport and book prisoners to the extent that is practical. However, officer safety is the primary consideration on this topic. In general:

- During business hours, prisoners who are arrested by SVU members, or
- who are arrested by patrol officers acting on an attempt-to-locate request by an investigator should be transported and booked by a pair of SVU investigators. However, SVU members will not transport an arrested person who is aggressive, has a history of violence, or is intoxicated or emotionally unstable either alone or in an unmarked BOI car. Such individuals should be transported to jail in a caged police car by a logged-on uniformed police officer.

A prisoner arrested by a BFO officer as a result of a call-for-service or in an onview event should generally be regarded as that officer's prisoner, who should book the prisoner after an interview by investigators. Members do have the discretion of relieving a patrol officer of this responsibility under suitable circumstances, with the following exception:

Investigators working after hours will not interview or otherwise keep custody of a prisoner in SAIU without at least one other officer continually present in SVU. An arresting patrol officer is not to be allowed to leave SVU under such circumstances without being relieved by another officer. An investigator encountering a demand by a patrol officer or supervisor that the officer return to service under such a circumstance will immediately contact a unit supervisor or SVU Commander, regardless of the hour.

Serial or High Profile Cases

When a series of predator or otherwise high-profile cases are identified, a team of investigators and at least one supervisor will be assigned that series. All of the related cases will be assigned or reassigned to that team.

Within twenty-four hours of assignment, the lead investigator will consult with SVU's supervisors and SVU Commander. The lead investigator and supervisor shall be prepared to present a review of the investigation to that point. The case assessment/review group will continue to meet daily at the discretion of SVU Commander.

If a serial or high-profile case is to be reassigned to SVU from another unit, the investigative team and SVU Commander will meet with the investigative team from SVU forwarding the case. The purpose of this meeting is to review, in detail, what has been done in the case and what efforts are in progress. Detailed reports of the forwarding unit's work are expected with the case file at the time the case is turned over.

Discretion

Rumors can be powerfully destructive to law enforcement officers, and unit members will recognize investigations involving department members may require expertise from SVU. Unit members trusted with this responsibility will not discuss the case with any department member or other person not directly involved, and then only to the degree necessary to accomplish the task at hand. Unit members not assigned to the case, will not inquire about the case and will not discuss the case with others. Members will be held accountable for professional failures in this area.

Report Writing

Effective crime reporting is one of the most important duties required of a Department member. To be effective, specific information is required when reporting various offenses. Such reports are used to inform Department members, criminal justice personnel, and other authorized persons of the existence of circumstances, conditions and facts that impact on their respective duties and responsibilities. Therefore, members of the Department will adhere to established procedures in the SJPD Duty Manual when initiating any reports pertaining to criminal acts. (SJPD Duty Manual R1300-R1805)

Investigators will complete reports in sufficiently thorough detail to document each investigative step, interview, and collection of any item of evidence. Reporting sections of the General Offense (G.O.) report will be completed identifying individuals who come to be associated with a case. All original reports be documented using the Versadex system.

There are occasions where it might be inappropriate for police reports to be available department wide. In those cases, the investigator, his/her supervisor and SVU Commander will handle the issue appropriately.

The "Date of Report" will be the date the investigator finishes the report and regards it a part of the case file. Once in this final form – and after such report has been duplicated and distributed for any purpose, that report will not be altered.

Closing Cases

Completed cases are submitted to the investigator's supervisor. Method of Operation (M.O.) information should be highlighted in the investigator's report. Supervisors are expected to scrutinize each case to identify deficiencies or highlights that should be corrected or used for training purposes.

Investigators will accurately complete the "Clearance Block" in the Versadex system. This form and the disposition selected by the investigator are used to update various law enforcement databases. This also serves to officially close a case RMS identifies as assigned to a specific investigator. Comments should be brief and should not include information which is not a part of the case's formal reports.

Evidence

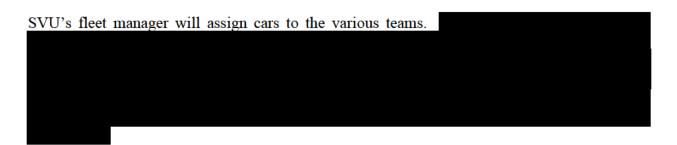
- Evidence obtained during an investigation shall be booked into Central Supply as soon as practicable.
- Property to be evaluated by the Homicide Crime Scene Unit for the collection of specific types of physical evidence
 When the CSU has completed its collection and evaluation, the detective will be notified. The detective will collect and rebook the evidence into the SJPD Property Room.
- ➤ Evidence brought into SVU for evaluation and/or photographing will remain under the direct control of the case detective. At no time will evidence be left unsecured in SVU, in desks or vehicles.

When computers or computer media are submitted to the Child Exploits Detail/Internet Crimes Against Children (CED/ICAC) computer forensic examiners for analysis, the investigator will comply with the procedures directed by the examiners regarding the marking and transportation of the evidence.

Equipment

Vehicles

- Vehicles will be shared by detectives who will be responsible to keep the vehicle clean and maintained in good condition.
- Vehicles that have been identified as "high-mileage" vehicles will not be taken out of town or used for "on-call" unless approved by SVU Commander.



Members of SVU will, when not actually out of the office with a car, ensure the key for a car they have used is returned to the place the team sergeant has designated.

 When a vehicle assigned to SVU is loaned to another unit, it must be approved by a supervisor. While the vehicle is out on loan, a note indicating SVU, and the officer's name and badge number shall be hung on the keys' hook.

Special Equipment

- Hand pack radios are made available to Unit members. They will not be loaned out without the approval of a supervisor.
- Tactical equipment vest carriers will be made available to Unit members. They will not be loaned out without the approval of a supervisor.

Field Equipment

 It will be the responsibility of each Unit member not covered by the Exempt Officer MOU to maintain a complete uniform and all equipment. This equipment will be available to the member in the event the department should go on a tactical alert status. Each supervisor will ensure that members have the proper equipment in serviceable condition and will inspect this equipment periodically. This equipment as listed in the Duty Manual will include riot baton, helmet, face shield, gas mask and protective body armor.

Dress Standards

Members of SVU will comply with the standards of dress for their assignment as defined by SVU Commander. Supervisors will see to it team members comply with these standards and present themselves as professional police officers.



Members responding to on-call events or returning to work as "call-back" to perform some work-related tasks after hours will dress in accordance with the standards applicable to their workday attire.

Workplace Concerns

Officers in SVU with address direct workplace concerns to their supervisors. Supervisors are often in the best position to resolve problems quickly and effective communication over the range of issues affecting our work is the most important characteristic of the relationship between a

supervisor and subordinate.

Every member of the police department has an obligation to take note of outdated or counterproductive practices, and to bring these up with their supervisors. As professionals responsible for the day-to-day advancement of individual cases, investigators are often in the best position to notice when a long-term practice is no longer the "best" practice. Supervisors and SVU Commander will encourage discussion on this topic.

Special Victims Unit

Standard Operating Procedures for SVICAC

Responsibility to Investigate when:

- The suspect is currently employed or active in a position of trust within the community; Coach, Teacher, L.E., Public Safety, etc.
- The suspect is a City Employee, and the assault occurs within the parameters of employment.
- In historical cases, the survivor was a child when assaulted, and the suspect is still in a position of trust.
- Cases involving a need for enhanced confidentiality.
- Revenge porn when the survivor is a juvenile.
- On-call or OD call involving a school employee and patrol who has just responded or is about to respond would necessitate an immediate call to SVU CED / ICAC.
- SVU is available for Search Warrant assists.
- SVU is available for surveillance assist.
- On-call cases where survivor is in danger
- On-call cases when the suspect is in a position of trust (Teacher, Priest, Coach, Law Enforcement ETC.)
- Cases involving City Employees where Command Staff determines the need of higher level of confidentiality
- Cases where SAIU needs assistance (Apprehension, Surveillance Etc.)
- Cyber Tips

- Cases involving Child Sexual Abuse Material
- Cases where a child is being sexually exploited via the Internet
- Providing Education and Awareness to members of the community
- Training Task Force Affiliates
- Any other Duties/assignments at the direction of the BOI Deputy Chief

Overall Duties for Forensics:

- All cases where Investigators need Forensic Support
- Forensic Support on all On-Call/ Call/Back cases
- Forensic Support for other SVU Detectives
- Forensic Support for Task Force Affiliates
- Training Task Force Affiliates
- Forensic support for San Jose Police Person Crimes Detectives (When Available)
- Forensic support for San Jose Police Property Crimes Detectives (When Available)
- Electronic Detection K9 support for San Jose ICAC Detectives (K-9 Handler)
- Electronic Detection K9 support for SVICAC Affiliates (K-9 Handler)
- Electronic Detection K9 support for other San Jose Police BOI Detectives (K-9 Handler -When Available)

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SVICAC Sgt/Commander Duties

- Oversee and Supervise day to day operations
- Assign and review/approve all reports
- Oversee SVICAC Task Force affiliates (107 agencies, over 415 members)
- Oversee and supervise the Vigilante Parent Initiative Program
- Oversee and manage \$1,000,000 recurring State Grant Budget
- Oversee and manage \$550,000 recurring Federal Grant Budget
- Attend Bi-Weekly Federal Grant Progress update meetings
- Attend monthly Federal/State Fiscal Grant update meeting
- Manage all Task Force training
- Manage all Task Force purchasing and distribution of equipment
- Attend Quarterly ICAC Commander in-person meetings

Standard Operating Procedures for Human Trafficking Task Force (HTTF)

Senior Office Specialist:

- Orders supplies and equipment as directed by SVU Commander and Sergeants within SVU
- Answers telephone calls
- Compiles statistical data for SVU Commander
- Records all human trafficking tips coming into HTTF from:
- Polaris Tips
- Report John Tips
- SJPD.Org site Tips
- Crime Stopper Tips



Assist 290 team with Versadex Profiles/Project to move to paperless registration Provides monthly report to ICAC Data System (IDS)

Detective case responsibility:

- Investigate Human Trafficking, Vice, pimping and pandering cases received from:
- Commercially Sexually Exploited Children
- Adult Sex Trafficking
- Residential Brothels Suspects ID'd / Known Trafficking Survivor
- Labor Trafficking
- Investigate all tips and investigations received from:
- Patrol
- DFCS
- Probation

• Self-initiated through UC operation



Case review within 24 hours of assignment or next working day Follow up investigations/ Search Warrants

- Survivor interviews
- Witness interviews
- Suspect interviews
- Forensic evidence



- Collaboration with survivor advocates
- Connects survivors with advocates

Sergeant duties:

- Oversee and supervise day to day operations
- Reviews and assigns cases to detectives
- Reviews police reports and search warrants
- Ensures personnel attend all mandatory training
- Attend SBCEHT meetings
- Collaborates with DFCS, Probation, LEIHT and SBCEHT
- Provide range, surveillance, Human Trafficking, Forensic and tactical training

• Orders and maintains equipment:



Illicit Massage Parlor and Residential Brothel Operating Procedure

- The San Jose Police Department Human Trafficking Task Force (SJHTTF) will take a direct role in investigating 'Illicit Massage Parlors (IMPs) and Residential Brothels (RBs).'

 The SJHTTF will act as the enforcement arm of IMPs and RBs. The HTTF will address human trafficking prevention by coordinating and collaborating directly with the Law Enforcement Investigating Human Trafficking (LEIHT) Task Force, City of San Jose Code Enforcement, City of San Jose Permits, and San Jose Police Department Vice Unit, as well as with Non-Governmental Organizations (NGO). The HTTF will continue to provide ongoing training to Code Enforcement, Vice, NGO's (Community Solutions, YWCA, etc.) and sworn department members as part of the ongoing Human Trafficking awareness programs.
- The Human Trafficking Task Force is working directly with the Santa Clara County Law Enforcement Investigating Human Trafficking (LEIHT) Task Force (LEIHT). The SJHTTF currently has one detective assigned to the LEIHT. The detective currently in the task force have a primary responsibility to work cases proactively with a focus on San Jose based investigations. This will include a component of active IMPs and RBs. The other SJHTTF detectives will focus on all incoming tips and investigations that come in from the Bureau of Field Operations (BFO) patrol units. All cases involving IMPs and RBs will be briefed to LEIHT supervisors and District Attorneys for deconfliction and investigation during a weekly joint meeting.
- IMP and RB tips: Tips regarding IMPs and RBs come in from a variety of sources, including anonymous tips (phone and online), tips from known community stakeholders, and other avenues. All tips are sent to, received, and reviewed by SVU's Senior Office Specialist (SOS). The SOS will ensure all tips are categorized, logged, and forwarded to the SVU Lieutenant, Sergeant, and Detectives, if required. All tips will be evaluated and prioritized based on numerous factors, including, exigent circumstances, timeline urgency, high profile individuals, and community stakeholder requests. The SJHTTF sergeant and SVU lieutenant shall meet at least once weekly to review all tips to determine which tips are actionable. Once the tips are prioritized, the actionable items will be addressed at the weekly LEIHT/SJHTTF meeting. LEIHT and SJHTTF will collaborate and determine if the tip will be investigated by LEIHT, SJHTTF, or a joint investigation. It should be noted that due to the lack of resources in the SJHTTF, most IMPs and RBs investigation will be joint operations with the SJHTTF detective assigned to LEIHT taking the lead on tips involving operations within San Jose city limits.

• To ensure IMPs and RBs tips are collected accurately, the SJHTTF sergeant will continue to coordinate with SJPD Vice Unit. The Vice Unit will often receive tips regarding IMPs and RBs. The Vice Unit's Criminal Analyst will receive tips through various means. When the Criminal Analyst receives a tip, they will determine the priority of the tip. If the tip is an emergency, the Criminal Analyst will treat it as an emergency call and respond appropriately. The SJHTTF sergeant or lieutenant will be contacted and advised of the concern. The SJHTTF will determine if an immediate response by detectives is appropriate. All non-emergency tips/information will be sent to the SJHTTF. The Vice Unit Criminal Analyst will prioritize each tip and determine if the tip will be forwarded via email, phone-call, or both. The lieutenant, sergeant, or detective, receiving the tip, will ensure the tip has been sent to the SOS for logging. Each tip will be analyzed to determine if the tip is an actionable item. All actionable tips will be addressed weekly during the LEIHT/SJHTTF meetings for further discussion and forwarded to the correct unit for further investigation.

Report John Program

The Report John Program (RJP) was created to reduce human trafficking and prostitution in high impact areas by targeting sex buyer activity. The RJP creates a deterrent affect for potential sex buyers, as well as educates potential sex buyers of the dangers associated with this illicit activity. The Program entails the reporting of sex buying activity tips to law enforcement via WWW.SJPD.ORG; the tip can include identifying information on the buyer or the buyer's vehicle.

The Human Trafficking (HT) Unit will provide oversight for the RJP. The HT Unit will evaluate reported information received to determine if further investigation is warranted or if a Public Safety Announcement (PSA-HT-001) should be mailed to the registered owner of the vehicle involved in potential sex buying activity.

The goal of the program is to:

- Increase communication with community members through the Report John Program via SJPD's website pertaining to sex buying, prostitution and human trafficking.
- Identify sex buyers and provide education and deterrence through PSA-HT-001 awareness letters.
- Receive viable tip information to assist with current or future HT investigations.

In order to achieve our goals, the HT Unit will:

- Accept community tip information from the Report John Program via SJPD.ORG.
- Evaluate Report John data to determine if the driver of the vehicle reported was engaged in illicit commercial sex buying activity.

- If appropriate, mail a Public Safety Announcement (PSA-HT-001) to notify the registered owner that their vehicle was reported in a high traffic area for prostitution and associated crimes.
- Maintain a database of vehicles reported and dispositions.
- Conduct a monthly analysis to determine trends and report the findings.
- Conduct investigative follow-up on high frequency buyers.
- Continue to collaborate with the community and NGOs to increase education and public awareness of the dangers associated with prostitution.

The HT Unit will receive citizen tips from SJPD.ORG reporting sex buying activities. The Report John Program collects the following information:

- The date and time of the tip.
- A photo of the vehicle or activity observed.
- The vehicle license plate number.
- The state of the vehicle license plate.
- The date and time when the activity was observed.
- The city the activity was observed in.
- The address or location of the activity.
- A narrative section describing the activity seen.
- The description of the driver.
- The make, model and color of the vehicle.
- Any additional notes.

The Report John Program will send all submitted tips to the HT Unit via email at stopslavery@sanjoseca.gov. The tips will then be reviewed and processed by the HT Unit. The entry and evaluation process will consist of the following steps:

- Enter tip into database.
- Check database for prior matching entries.
- Run vehicle license plate in RMS.
- Review DMV Registered Owner file.
- Confirm DMV make and model matches the tip information.
- Evaluate registration address and address of tip to determine proximity.
- Evaluate activity witnessed.
- Check database for possible malicious reports and repeat license plate entries.
- Sergeant review and approval (minimum of 2 tips for the same vehicle).
- PSA mailed out to the registered owner of vehicle.
- Update the master RJP database.

Note: Any vehicles registered to an address within a four (4) block radius of the location of occurrence will be presumed to be a resident regularly driving through the area. They will not be considered a focus of our investigation unless other factors prevail. The HT Unit will verify the vehicles descriptors and compare with the DMV Registered Owner file. If the descriptors do not match the DMV Registered Owner file, a PSA will not be mailed.

Example: The tip submitted states the vehicle is a Toyota Camry with a license plate of 1ABC234. The DMV Registered Owner file states the license plate of 1ABC234 comes back to a Ford Escape. These two vehicle descriptions are not similar; therefore no further action will be taken.

If the vehicle descriptors are a close or an exact match, the process will continue.

Example: The tip submitted states the vehicle is a Toyota Camry with a license plate of 1ABC234. The DMV Registered Owner file states the license plate of 1ABC234 comes back to a Toyota Corolla. These two vehicle descriptions are similar; therefore, the evaluation process will still continue.

Tips which include images of the vehicle will be used to evaluate vehicle descriptions. All tips will be reviewed by an investigator within the HT Unit.

All incoming tips from the Report John Program will be assigned a reference number and saved in a monthly tips folder. The reference number will consist of the year, month and monthly count number.

Example: The reference number 17-04-012 represents the 12th tip received in the month of April of 2017.

The Report John Master List contains a monthly inventoried list of all tips submitted, as well as the tips status. The Master List will have a brief description of the tip, the sergeant approval, the number of times the vehicle has been reported and tip disposition.

Once the tip information has been evaluated and the activity is consistent with sex purchasing, a PSA-HT-001 will be approved for mailing by the HT sergeant.

Citizens with comments or concerns associated to this program can contact the HT Unit. The PSA-HT-001 contains the phone number to the HT Unit. Incoming calls to the HT phone line will be answered and all voicemail messages will be responded to in a timely manner.

This will provide feedback opportunity to explain why the letter was sent to the registered owner, educate the registered owner about the dangers of prostitution and address any concerns they might have.

In the event the vehicle no longer belongs to the caller, they will be advised to contact the DMV and update the vehicle registration. The HT sergeant or his designee will update the Master List with this contact.

Results and tip findings will be analyzed monthly. Tip volume and effectiveness of the RJP will be assessed on a biannual basis.

Standard Operating Procedures for Megan's Law Detail / 290 Team

General Responsibilities for Detectives:

- Answer emails and phone calls from the public and regarding sex registrants.
- Assist Bureau of Investigations on a request/approval basis only
 - Assist Human Trafficking Task Force with search warrants and operations
 - Assist Sexual Assaults Investigation Unit with surveillance's, warrant service, attempt to locate witnesses, survivors and suspects (supervisor discretion)
 - Assist Silicon Valley Internet Crimes Against Children Task Force with search warrants and operations
 - Conduct background investigations on Sexually Violent Predators (SVP) for public notifications
 - Conduct compliance checks to verify addresses that sex registrants provide for their Conduct parole and probation searches of sex registrants
 - residence
 - Conduct follow-up investigation of all in-custody 290 cases and referral cases from outside agencies
 - Conduct in-field registrations for sex registrants not physically able to come in and register (i.e. locked mental health facility, convalescent home)
 - Conduct public notifications and education on registered sex registrants though community meetings
 - Conduct regular birthday extracts on sex registrants listed in the Megan's Law Web Application
 - Conduct surveillance to identify locations of non-compliant sex registrants
 - Coordinate public notifications with the School Liaison Unit, Chief's Office, Media Relations Office, community groups, faith-based organizations and local media.
 - Enforce all arrest warrants for sex registrants
 - Ensure sex registrants are compliant with their 290 PC status
 - Investigate petitions from sex registrants per Senate Bill 394
 - Monitor and track sex registrants through police reports, supervised release file (SRF) hits, FI's, etc.
 - Obtain warrants for offenders who are in violation of sex registration

- On-Call Sexual Assaults Investigation Unit responsibilities as scheduled (SAIU Guidelines will apply)
- Provide Megan's Law training and enforcement to police department personnel and other agencies upon request or when changes in sex registration laws occur
- Track sex registrants who have GPS tracking as part of probation and parole
- Update CSAR data base for the Department of Justice

General Responsibilities for Sergeant

- Ensure personnel attend all mandatory training
- Maintain good working relationships with other units and agencies
- Manage all team equipment
- Manage and provide all team training and updates
- Oversee and manage state
- Oversee and supervise day-to-day operations
- Review and assign cases to officers
- Review police reports and operational plans