




Procedures for Sexual Battery (Signal 48)

Detective Callout	Evidence Collection	Sexual Battery Forms
SVU Response Protocols & Guides	 Patrol Reference Guide for DCF Referrals	Related Statutes

Preliminary Investigations


The preliminary investigation of a call begins when the first deputy arrives on scene of an incident and continues until such time as the initially-assigned deputy reaches a successful conclusion, or is able to transfer responsibility of the investigation to another deputy. The first deputy arriving at a scene shall:

1. Protect life
2. Render Aid
3. Obtain medical counseling assistance for victims of sexual violence
4. Determine if an offense actually occurred, and if so, the exact nature of the offense
5. Secure and protect the scene and evidence
6. Attempt to determine the identity of the suspect(s) and effect an arrest, if it can be accomplished at the scene or through immediate pursuit
7. Furnish other field units with descriptions, method and direction of flight, and other relevant information concerning wanted persons or vehicles
8. Identify witnesses
9. Obtain preliminary information from witnesses
10. Ascertain and reconstruct circumstances surrounding an incident

11. Arrange for the collection of evidence
12. Accurately and completely record all pertinent information in the proper format
13. **Screen all children for physical or sexual abuse who live in the home or have immediate access with the suspect**

Applicable Statute for Sexual Battery (Signal 48)

Sexual Battery

 F.S.S. 794.011

Up to Capital Felony

Definition of Sexual Battery (Signal 48) F.S.S. 794.011 (1)(h)

"Sexual battery" means oral, anal, or vaginal penetration by, **or union with**, the sexual organ of another or the anal or vaginal penetration of another by any object; however, sexual battery does not include an act done for a bona fide medical purpose.

Investigative Considerations

~~Pursuant to Section 960.001, F.S., **no law enforcement officer**, prosecuting attorney or government official **shall ask or require an adult, youth, or child victim of a sexual battery**, as defined in Chapter 794, F.S., or other sexual offense **to submit to a polygraph examination or other truth-telling device** as a condition of proceeding with the investigation of such offense. The refusal of a victim to submit to a polygraph examination or other truth-telling device shall not prevent the investigation of the offense.~~

The screening of a sexual battery victim (adult or child) is allowed, in fact needed, by the initial responding deputy and DOES NOT count as one (1) of the three (3) allowable interviews. The questioning by the initial deputy is considered "fact finding" and is needed to further the investigation.

- Verify the sexual battery occurred within the jurisdictional boundaries of Polk County
- If the sexual battery occurred within another jurisdiction or in a municipality not controlled by the Sheriff's Office, that agency shall be notified of the reported sexual battery, and an "assist other agency" report shall be completed

- If another jurisdiction and/or a detective is responding, the victim of the sexual battery shall not be left alone
- Notify supervision of the sexual battery investigation and refrain from classifying your report as an "Information Report" Classify the report as a sexual battery or whatever crime has been committed
- Investigations involving the crime of sexual battery should have photographs taken of the crime scene and, as needed, of the victim. If no photographs are taken, or if no physical evidence is recovered from the crime scene during the preliminary and investigative phase of the case, an explanation giving the reasons why this was not done shall be included in a supplemental report. (Photographs on sexual battery cases are normally taken by Crime Scene)
- The Polk County Sheriff's Office Bureau of Criminal Investigations has a checklist for detectives investigating such crimes. While you are not required to complete this list in its entirety, there are certain things on the list you may be able to accomplish prior to the arrival of the detective [View the Checklist Form 224](#)
- Securing the crime scene and conducting a thorough crime scene search is crucial to prosecuting a sexual battery case
- When the investigation involves a child victim, the Department of Children and Families must be notified (1-800-532-2873 or 1-800-LE-ABUSE)
- In the event DCF arrives prior to the detective, advise DCF not to interview the victim
- Items of great evidentiary value include but are not limited to the following:
 - The time frame in which the incident occurred (within 72 hours or not)
 - Bed linens
 - Clothing items from victim to include undergarments
 - Areas that may be conducive for latent prints (exit/entry points, vehicles, etc.)
 - Tire or shoe impressions
 - Any items that may have been left or discarded in the immediate area by the suspect to include weapons or articles of clothing
 - Neighborhood canvas to locate potential witnesses
 - Photographs of scene, victim, and/or suspects (usually done by CST)
 - Any possible traces of DNA evidence
 - Statements of all parties involved
 - Condom worn by the suspect
- Important questions that may be asked of a victim of sexual battery by the primary patrol deputy. Questions include, but are not limited to the following:
 - When and where did the incident take place?
 - Is the suspect known? Where can they be found?
 - What happened?

- If the victim uses slang terms for body parts such as, "wee wee" or "cootchie" have them explain verbally and/or point to the body part
- Don't be afraid to ask the victim if penetration occurred and with what did the suspect use to penetrate (finger, penis, or other object)
- Ask the victim if they have showered or utilized an instrument such as a douche or other cleansing method
- Has the victim washed the linens or clothing since the incident?
- Did the suspect ejaculate? If so, where?
- Was the suspect wearing a condom?
- Has the victim brushed their teeth?
- Have they eaten or drank anything since the incident occurred?
- If the victim is under the age of 12, find out who else they may have talked to about the incident. This is important because child hearsay rules may apply and be admissible in court
- Try to keep the victim from doing any of the following prior to an examination:
 - Changing clothes
 - Bathing or using a cleansing instrument such as a douche
 - Drinking
 - Eating
 - Brushing teeth

- Urinating
- Defecating
- When restricting the movements of the victim, keep in mind DNA swabs can be taken anywhere the mouth of the suspect may have been on the victim
 - Kissing
 - Licking the victim's neck, ear, breast(s)
- If you are made aware that a suspect has a prior criminal charge of a sex crime, document in your report. This information may be used to establish "Williams Rule" evidence
- Suspect information should be detailed. Take the time to research your suspect in D.A.V.I.D. and other resources available
- It is a best practice to let the detective assigned interview the suspect, so if the suspect is not immediately detained, don't try to make contact and alert him there is an open investigation
- If circumstances dictate detaining a suspect immediately, document the date and time if Miranda Warnings are issued and/or any spontaneous statements made by the suspect

- Do not take written statements from child victims or suspects
- When dealing with victims of sex crimes, it is imperative you use a very high degree of compassion; even if you think the victim is not being truthful. Often times those who you think may be untruthful are found to be actual victims. Don't take that chance.

Rape Recovery Resource Center (RRRC) Protocol

- Upon being dispatched to a sexual battery, the initial responding deputy should assess the victim's condition and summon appropriate medical assistance, if it is required
- If the deputy is made aware of any of the following conditions, the victim must be taken to a hospital and the RRRC does not need to be notified:
 - Lacerations
 - Blood in urine
 - Significant intoxication from alcohol or drugs
 - Dizziness
 - Severe neck or back pain
 - Dislocations
 - Head trauma
- ~~If the victim is 16 years of age or older, does not require medical attention, and is willing to submit to a forensic medical examination which includes a sexual assault kit, and the incident occurred within the past 72 hours, the patrol deputy should call the RRRC (863-413-2707 - 24 hours)~~
- When the deputy calls this number to request crisis counseling and a forensic examination, the RRRC counselor will conduct a brief screening through several questions asked of both the deputy and the victim
- If the screening does not meet the criteria, the deputy shall transport to the hospital
- If the screening meets the criteria, the RRRC counselor will notify the deputy and page an advanced registered nurse practitioner (ARNP) to treat and examine the victim
- The deputy shall make arrangements for the victim to be transported to the RRRC which is located at 1860 South Crystal Lake Drive in Lakeland
 - The ARNP has one (1) hour to respond to the RRRC once summoned
 - The deputy shall not leave the crime scene unattended or unsecured
 - The transportation to the RRRC should be made by law enforcement members
 - A victim advocate may be called upon to provide transportation








- To maintain confidentiality, upon arrival at the RRRC, the victim should be escorted through the back door, which is accessed via Commercial Park Drive which is accessed from Crystal Lake Drive
- A detective will make contact with the victim at the RRRC, and the deputy shall stay at the RRRC until properly relieved

Voluntary Swabbing for DNA Comparison

- There may be an occasion a subject or possible suspect may be available to the deputy prior to the arrival of the detective and/or crime scene who just has an overwhelming desire to cooperate with the investigation and voluntarily consents to a swabbing for DNA comparison
- Once the deputy makes contact with the subject/suspect, conduct an interview
- Determine the most appropriate time to obtain consent from the subject/suspect being interviewed (prior to, during, or after the interview)
- Obtain verbal consent from the subject/suspect prior to obtaining written consent
- Obtain written consent whenever possible, once verbal consent is given.
- The Waiver Insert PCSO [PDF] Form #9008 (Consent to search section) shall be utilized
- Prior to the subject/suspect signing the Waiver Insert, enter the following on the blank line after "The item or items to be searched for are as follows:" "*Collection of oral swabs for DNA comparison*"
- After obtaining the necessary consent and/or signatures, the deputy shall place a new pair of rubber gloves on their hands
- While wearing gloves, open the sterile package without touching the cotton/covered end (There are two (2) swabs per package)
- With the first package of swabs, swab the inside of the subject/suspect's left cheek (in the mouth) by rolling the swab around while rubbing the same swab back and forth
- Use the second swab in the first package and repeat this process
- After the first package is used, place the swabs into the preassembled box specifically used for this purpose and write the incident number, subject/suspect name, and which cheek of the mouth was processed. Then, the member affixes their initials to the box
- Place the swab box into a paper bag and attach a "Bio-Hazard" sticker on the bag, seal the bag and place it in Property/Evidence
- After the first package of swabs has been sealed, the same procedure listed above shall be followed to conduct swabbing of the right cheek

- If the member obtains oral swabs from more than (1) individual, the member shall change gloves prior to processing the next person

Related Sexual Battery Statutes to Consider

Sexual battery by multiple perpetrators; reclassification of offenses	 F.S.S. 794.023	Up to F-1
Duty to report sexual battery; penalties	 F.S.S. 794.027	M-1
Unlawful sexual activity with certain minors	 F.S.S. 794.05	F-2
Lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age	 F.S.S. 800.04	Up to Life Felony
Incest	 F.S.S. 826.04	F-3
Exposure of sexual organs	 F.S.S. 800.03	M-1
Unnatural and lascivious act	 F.S.S. 800.02	M-2

Sexual Battery (Signal 48) Forms Checklist

Reporting Format: Crime Scene, Investigation, Interviews, Investigative Costs

Synopsis: Required

Considerations: Refrain from classifying reports of sexual battery as an Information Report

Forms Required

- Offense Incident Report Form #9001

- Narrative Continuation Insert Form #9002A
- Persons Insert Form #9003
- Rights and Certification Insert Form #9009
- Victim/Witness Pamphlet Form #191
- Sexual Battery Pamphlet PCSO Publication P-310

Forms To Consider

- Supplemental Insert Form #9002
- Suspect Insert Form #9003A
- Property Evidence Insert Form #9005
- Vehicle/Vessel Insert Form #9007
- Waiver Insert Form #9008
- Spanish Waiver/Property Release Insert Form #9008A
- HIPAA Authorization and Medical Release Insert Form #9012
- Firearm Trace Submission Insert Form #9028 (If firearm is recovered)
- Crime Scene Log Form #611
- Spanish Victim/Witness Pamphlet Form #191A
- ~~Spanish Sexual Battery Pamphlet PCSO Publication P-310A~~
- Domestic Violence Pamphlet Form #192
- Spanish Domestic Violence Pamphlet Form #193

Important Notice: *This reference tool has taken excerpts from Florida State Statutes, PCSO General Orders, PCSO Department of Law Enforcement Directives, memorandums, manuals, and guidelines. All of the excerpts from this reference tool are*

*superseded by any updated Florida Statutes, General Orders, Department Directives, manuals, memorandums, or guidelines.
When in doubt, refer to these source documents!*
