



**San Diego County Sheriff**

**Training Bulletin**

**William D. Gore, Sheriff**

**October 2019**



## **Non-Investigative SART Reports (NIR)**

California Penal Code section 13823.95(b) states any victim of sexual assault who seeks a medical evidentiary examination shall be provided the examination. The victim is not required to participate in the criminal justice process prior to the examination or any other time.

An adult victim may have this evidence collected by going to one of the Sexual Assault Response Team (SART) facilities in San Diego County. Victims currently can initiate this process by calling a local domestic violence and sexual assault hotline (██████████) or speaking directly to a local SART facility. The victim will be referred to the on-call SART nurse.

The Violence Against Women Act (VAWA) offers patients who disclose sexual assault victimization two options regarding how their case is handled. It may be classified as an "investigated case" or a "non-investigated report (NIR) case." In 2013, VAWA was amended to specify that regardless of how the case is handled, nothing in the act waives the requirement to report suspected abuse or neglect as specifically mandated by state law. California Penal Code section 11160 mandates a report must include the name of the victim. The SART facility staff will complete the Cal OES 290 form (Suspicious Injury Report) and provide a copy to the law enforcement agency in the jurisdiction where the incident occurred.

Once the victim is at the SART facility and decides to proceed with the NIR process the following will occur:

1. The SART nurse will call the Sheriff's Communication Center to report the victim would like to participate in a non-investigative SART exam or NIR.
2. The dispatcher will create a call for service and assign the call to a deputy. The call will indicate a sexual assault is being reported but the victim has requested an NIR.
3. The deputy will call the SART nurse and confirm the incident occurred in the Sheriff's jurisdiction. If the incident did not occur in the Sheriff's jurisdiction, the deputy will refer the nurse to the proper jurisdiction, and close the call for service with a CAD

entry. If the incident occurred in the Sheriff's jurisdiction, the deputy will provide their name, ARJIS number, and event number to the SART nurse. (This information is required for the nurse to perform the examination.) The deputy will obtain the NIR number generated by the SART facility. The deputy will close the call for service with a CAD entry. The deputy is not required to get any information about the incident.

4. The SART facility will collect and package the evidence per their policies and procedures. The SART evidence will have a label affixed from the SART facility that includes "NIR" as part of the facility's patient identification label.
5. The SART facility will call the Sheriff's station that has jurisdiction over where the incident occurred and request the evidence be picked up.
6. The station will route the call from the facility through a supervisor who will assign a deputy or detective to pick up the evidence.
7. The deputy will pick-up the evidence from the facility, generate a Sheriff's case number, and write a brief incident report documenting their role. The facility will not provide the victim's name. If a name is required in NetRMS use "unknown." The deputy will use the "NIR – Non-Investigative SART Report" on the Special Studies dropdown menu on the NetRMS Administrative page to track the case.
8. The evidence will be entered into Sheriff's evidence and a lab request will be generated for 3321A - SART/Rape Kit – Swabs (Victim) requesting this piece of evidence be processed. On the lab request section of the evidence sheet, the deputy will write "NIR" in the notes field. Once the lab request is received by the Crime Lab, the evidence will be logged and stored. The lab request will be cancelled by the Crime Lab and the evidence will not be processed unless the victim requests a criminal investigation be initiated at a future date.
9. The assigned detective will close the case "Department Closure" pending contact from the victim stating they wish to move forward with the investigation.

The steps outlined in this training bulletin are how NIRs are typically generated; however, there are other circumstances in which a case could be titled "NIR." If the evidence has a label affixed from the SART facility that includes "NIR" as part of the facility's patient identification label then the case should be treated as a NIR. If there are questions please contact the on-call Child Abuse/Sexual Assault Unit sergeant for clarification.

The information in this Training Bulletin was provided by Sergeant Mays and edited for distribution by the In Service Training Unit. If you have expertise in a particular subject and would like to write a training bulletin, please contact Corporal Brent Longfellow at [REDACTED]