



~~1-88 SEX CRIMES UNIT~~

~~Related SOP(s): None~~

~~1-88-1 Purpose~~

~~The purpose of the Sex Crimes Unit is to provide the Department with a standardized and professional investigation of all felony sexual assault cases. The Sex Crimes Unit will assume the criminal investigation of criminal sexual penetration (CSP) cases, including attempted CSP, and criminal sexual contacts when the victim/child thirteen to eighteen years of age when the offender is NOT a household member and on all felony adult CSP and CSC's, regardless of victim/offender relationship, of a victim that is 13 years of age or older.~~

~~1-88-2 Policy~~

~~The policy of the Sex Crimes Unit is to work with the Bernalillo County Sheriff's Office, SANE, Rape Crisis, and the District Attorney's Office as part of the Albuquerque Sexual Assault Evidence Response Team (ASERT) to complete felony investigations of criminal sexual penetration assault cases.~~

~~1-88-3 Definitions~~

~~Attempted Criminal Sexual Penetration~~

~~An attempted criminal sexual penetration consists of an overt act in furtherance of and with intent to commit a felony, criminal sexual penetration, and tending but failing to effect its commission.~~

~~A. Combined DNA Index System (CODIS)~~

~~Combined DNA Index System (CODIS) is the generic term used to describe the FBI's program of support for criminal justice DNA databases as well as the software used to run these databases.~~

~~Criminal Sexual Contact (CSC) NM 30-9-12~~

~~Criminal sexual contact (CSC) is the unlawful and intentional touching of or application of force, without consent, to the **unclothed** intimate parts of another who has reached~~



~~his eighteenth birthday, or intentionally causing another who has reached his eighteenth birthday to touch one's intimate parts.~~

~~Felony CSC (4th degree) consists of the use of force or coercion that results in personal injury to the victim; by the use of force or coercion when the perpetrator is aided or abetted by one or more persons; or when the perpetrator is armed with a deadly weapon.~~

~~Criminal sexual contact is a **misdemeanor** when perpetrated with the use of force or coercion.~~

~~Criminal Sexual Contact of a Minor (CSC) NM 30-9-13~~

~~Criminal sexual contact of a minor is the unlawful and intentional touching of or applying force to the intimate parts of a minor or the unlawful and intentional causing of a minor to touch one's intimate parts.~~

~~B. Criminal Sexual Penetration CSP~~

~~Criminal Sexual Penetration Criminal sexual penetration (CSP) is the unlawful and intentional causing of a person to engage in sexual intercourse, cunnilingus, fellatio or anal intercourse or the causing of penetration, to any extent and with any object, of the genital or anal openings of another, whether or not there is any emission.~~

~~C. SACRC~~

~~Sexual Assault Case Review Council~~

~~Household Member~~

~~A spouse, former spouse, parent, present or former step-parent, present or former parent-in-law, grandparent, grandparent-in-law, a co-parent of a child or a person with whom a person has had a continuing personal relationship.~~

~~Cohabitation is not necessary to be deemed a household member for the purposes of the Crimes Against Household Members Act.~~



~~Intimate Parts~~

~~"Intimate parts" means the primary genital area, groin, buttocks, anus or breast.~~

~~D. Sexual Assault Exam Kit SAEK~~

~~Sexual Assault Exam Kit (SAEK) is often times referred to a "Rape Kit" which actually refers to the kit itself a container that includes a checklist, materials, and instructions, along with envelopes and containers to package any specimens collected during the exam.~~

~~1-88-4 4.~~

~~Rules and Responsibilities~~

~~A. Sex Crimes will be responsible for investigating the following cases: Investigations~~

~~The Sex Crimes Unit will assume the criminal investigation of criminal sexual penetration cases, including attempted criminal sexual penetration, and criminal sexual contacts as outlined below:~~

~~when the victim/child is between the ages of thirteen to eighteen years of age and the offender is NOT a household member.~~

~~Criminal sexual penetration cases where the victim is between thirteen to eighteen years of age and the offender is NOT a household member.~~

~~All criminal sexual penetration cases where the victim is over the age of at least eighteen years of age, regardless of victim/offender relationship.~~

~~Criminal sexual contacts where the victim is between thirteen to eighteen years of age and the offender is NOT a household member.~~

~~Felony criminal sexual felony CSP and CSC's, regardless of victim/offender relationship, contacts (NM 30-9-12C) where the victim is at least over the age of eighteen years of age and all criminal sexual contact is perpetrated:~~



ALBUQUERQUE POLICE DEPARTMENT
GENERAL ORDERS

SOP 1-88

P&P Draft 09/22/2021

~~(1) by the use of force or coercion that results in personal injury to the victim;~~

~~(2) by the use of force or coercion when the perpetrator is aided or abetted by one or more persons; or~~

~~(3) when the perpetrator is armed with a deadly weapon.~~

~~d. Criminal sexual assault investigations when suspects are identified through DNA match (CODIS), or other investigative efforts in current and cold cases. Backlogged criminal sexual penetration cases where a sexual assault evidence kit revealed a CODIS hit.~~

~~1. All cases of CSP per State Statute 30-9-11.~~

2. Attempted CSP where the victim is 13 years of age or older.

~~All cases will be reviewed and then assigned to the Sex Crimes Detectives by the Sex Crimes Sergeant or designee.~~

~~All felony criminal sexual penetrations and criminal sexual contact cases involving Law Enforcement Officers.~~

~~As outlined SOP 3-42 Investigation of Police Personnel, an APD Field Service supervisor will be called to assist with a preliminary investigation.~~

~~Acting sergeants will not conduct investigations of sworn personnel.~~

~~3.~~

~~B. Sex Crimes Call-out Criteria/Procedures~~

~~Field officers will conduct an initial preliminary investigation and determine the following facts before they and notify their supervisor to determine if a detective is needed:~~

~~Victim wants to prosecute case Y/N~~

~~Victim wants a SANE Y/N~~

~~Does the victim have any injuries? Y/N~~

~~Offender is in custody Y/N~~

~~Is the offender law enforcement? Y/N~~

~~Has the officers' lapel been reviewed for confirmation/elimination of allegation? Y/N~~

~~Any weapons used? If so what kind... Y/N~~

~~Crime scene identified Y/N~~

~~Search warrant needed Y/N~~

~~Are Victim or Offender intoxicated? Y/N~~

~~4.~~



ALBUQUERQUE POLICE DEPARTMENT
GENERAL ORDERS

SOP 1-88

P&P Draft 09/22/2021

~~2. The Field Service supervisors' will then contact the Sex Crimes Sergeant or designee and advise him/her of the incident the facts collected.~~

~~3. The Sex Crimes Sergeant or designee will then determine if the call meets the call out criteria based on:~~

- ~~a. The complexity of the case~~
- ~~b. If a warrant is required~~
- ~~c. If an offender is in custody~~

7 ~~4. The Sex Crimes Sergeant or designee will then activate the on-call detective~~

~~a. The secondary on-call detective may also be activated if necessary.~~

7 ~~5. The activated detective will have one hour to respond to the needed location.~~

6 ~~6. The detective will complete the following as needed:~~

- ~~a. Trauma Informed Interview with the victim~~
- ~~b. Identify and interview potential witnesses~~
- ~~c. Obtain sSurveillance/rRecording videos (if available)~~
- ~~d. Prepare and execute sSearch and/or arrest warrants~~
- ~~— Conduct Interrogations interrogations of the suspect/offender(s)~~
- ~~e. Review and articulate in a supplemental report all evidence of the offense~~
- ~~f. Obtain probable cause for any Arrests~~
- ~~g. Complete felony supplemental cases to submit to the District Attorney's Office.~~

~~— The Sex Crimes Unit is on call 24/7 at all times. The Sex Crimes Sergeant will organize the on-call schedule.~~

~~7.~~

~~— Cold Case Assignment~~

~~— Cold sexual assault cases are cases where a sexual assault evidence kit has been obtained and DNA has provided identification of a suspect (CODIS hit), or other leads have surfaced that can provide additional evidence for prosecution.~~

~~— Detectives will be assigned cold sexual assault cases to investigate for possible prosecution~~

~~— Detectives will notify victims, utilizing the Advocate Unit, of all case closures/outcomes.~~

~~2. Detectives will communicate with the District Attorney's Office for guidance and~~



~~Once a case is completed and approved by the Sex Crimes Sergeant, it will be sent to the DA's office for prosecution.~~

~~C. Sex Crimes Unit Detective Assist ~~Homicide/Violent Crimes/ Call Outs~~~~

- ~~1. Sex Crimes will participate in the Homicide/Violent Crimes on-call schedule.~~
- ~~2. Sex Crimes detectives will attend the investigative briefing and then coordinate with the primary Homicide detective to assist with the investigation. by:~~
 - ~~a. Conduct Conducting interviews.~~
 - ~~b. Preparing search and or arrest warrants, or Warrant preparation~~
 - ~~c. Other investigative needs deemed by the Violent Crimes On Call Supervisor~~

~~D. Sex Crimes Cold Case~~

- ~~1. This unit will be responsible for the investigation of sexual assaults where the SAEK was collected and untested between the years of 1981 through 2018.~~
- ~~2. Once the unit receives the results of the DNA testing, the unit will classify each case and determine if a case should be opened or re-opened.~~
- ~~3. Cases will be classified as the following:~~
 - ~~a. Priority 1 CODIS comparable with CODIS hit~~
 - ~~b. Priority 2A CODIS comparable with CODIS Upload~~
 - ~~c. Priority 2B CODIS ineligible (Positive DNA, not CODIS up-loadable)~~
 - ~~d. Priority 3 Screened Negative for DNA~~
- ~~4. Detectives will notify victims of the outcome and will investigate to determine if the case can be prosecuted.~~
- ~~5. Once a case is completed and approved by the Sex Crimes Sergeant, it will be sent to the DA's office for prosecution.~~

7