

MEMO

To: San Mateo County Law Enforcement Agencies and Children and Family Services
From: District Attorney's Office and San Mateo County Child Sexual Abuse Advisory Committee
Re: Child Sexual Abuse MDT Forensic Interviews
Date: 3/17/2020

This memo expands upon the notification sent out by San Mateo Medical Center regarding Child and Adolescent Sexual Abuse and Assault at the Keller Center during the COVID-19 public health emergency and includes additional guidance from the San Mateo County District Attorney's Office.

During the current pandemic, we must limit non-essential in-person contacts in our community, including at San Mateo Medical Center (SMMC)/Keller Center, the District Attorney's Office, all law enforcement agencies, and Children and Family Services offices. **Acute Medical Legal Exams, including evidence collection, will still take place at SMMC** (please see the SMMC notification for procedures.) However, non-essential forensic interviews should be postponed to the degree possible. Conducting forensic interviews in other locations, including police stations, during this time is strongly discouraged as it may unnecessarily expose victims and their families to additional persons and public spaces, and unnecessarily exposes our county's essential emergency personnel. In this unprecedented time, we must balance investigative considerations with public health needs, giving consideration to each case and the risk/benefits of proceeding with a forensic interview.

Therefore, in accordance with the current San Mateo County "Shelter-in-Place" order enacted on 3/16/2020, and consensus practice in many Children's Advocacy Centers across California, forensic interviews will not be conducted at the Keller Center until further notice. We have put in place the following emergency protocol:

- Minimal Facts First Responder Interviews should continue to take place in accordance with the approach outlined in the 2016 Child and Adolescent Sexual Abuse Protocol, including a joint CFS-Law Enforcement response whenever possible. See the Quick Guide for assistance.
- Forensic Interviews will ideally be postponed until COVID-19 restrictions have been lifted.
- Forensic Interview Specialists and a Sexual Assault District Attorney will be available by phone for case consultation, discussion, and planning, should a police agency or CFS feel that obtaining a more complete statement from a minor is time-sensitive.
- Circumstances that constitute an emergency may involve:
 - In-home sexual abuse allegation involving a custodial parent/guardian in which there are imminent safety issues and a safety plan cannot effectively be implemented;
 - Suspect is in-custody and the DAO requires a forensic interview prior to the arraignment or preliminary hearing; or
 - An imminent danger to the public.

We anticipate that most cases will be considered "non-emergencies" for forensic interviewing purposes. To illustrate, below are examples of recent "non-emergency" cases that have been triaged by forensic interview specialists and the District Attorney's Office:

- A teacher persists in having a 5-year old child sit on his lap despite admonitions from the school principal to not do so.

=>Disposition: NOT an emergency, as school is not in session and the suspect, a teacher, does not currently have access to children.

- Father reported that the cousin of a homeowner may have touched his 10-year old son approximately one month ago because he saw his son's pants pulled down; father reporter that the suspect has previously attempted sexual contact with the father.
=>Disposition by MDT: NOT an emergency as the suspicious contact was one month ago, father is protective, and the investigation can continue by interviewing the adult reporting party.
- 16- and 19-year-olds were caught in a van partially undressed. Exigent minimal facts interviews were conducted and recorded, in accordance with the Protocol. Although the victim denied sexual contact, the 19-year-old admitted to the sexual activity and was arrested.
=>Disposition by MDT: NOT an emergency as the suspect made a statement and the DAO can proceed with the arraignment hearing based on information gathered using the minimal facts field interview and suspect interview. An acute medical exam can still be offered to the 16-year-old.
- A 14-year old was sexually assaulted by a same age peer several months ago, and they are not in contact currently.
=>Disposition by MDT: Outside the window for an acute medical-legal exam and NOT a forensic interview emergency as there is a safety plan in place and minimal facts had been reported.

If a police agency or CFS has a case which it believes may constitute a case in need of an emergency forensic interview (as defined above), police agencies or CFS are instructed to contact the Keller Center at 650-573-2623. Keller Center phone lines will be answered or monitored regularly during regular business hours. A staff member will route requests for Case Consultations to a Forensic Interview Specialist who will promptly contact you to triage the case and arrange for a consultation with a District Attorney, as needed. **Please continue to actively offer support from Rape Trauma Services to victims of sexual abuse and their families through the 24/7 crisis line: (650) 692-7273. Victims and families may need extra support at this time, especially if there are necessary delays in investigations.**

Thank you for your patience as we balance case needs with public health concerns and the health of our MDT members. Please note that the guidance contained herein is subject to change due to the evolving nature of the virus and emerging public health guidelines, and best practice recommendations from National Children's Alliance. As soon as it is safe to do so, we will resume practice according to our existing county protocols.

Please feel free to contact us with any questions about these emergency practices.

Shin-Mee Chang
Assistant District Attorney
Co-Chair, MDT Advisory Committee
schang@smcgov.org

Miriam Wolf
Director, Keller Center Forensic Interview Program
Co-Chair, MDT Advisory Committee
mwolf@smcgov.org