

USING "PRETEXT" PHONE CALLS
IN SEXUAL ASSAULT INVESTIGATIONS

BY

HAROLD EISENGA, DETECTIVE
SAN DIEGO POLICE DEPARTMENT
SEX CRIMES UNIT
1401 BROADWAY, M.S. 744
SAN DIEGO, CA 92101

PHONE: (619) 531-2331

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Introduction

The "pretext" phone call is an investigative tool that can be utilized in a wide variety of criminal investigations. It can be especially effective in sexual assault investigations, including drug-facilitated rapes.

In this context, a "pretext" phone call is simply a tape recorded telephone call between the victim and the suspect. The call is usually initiated by the victim, under the supervision of a law enforcement officer — preferably the lead investigator or case agent. The suspect is unaware that the call is being recorded. This technique may be referred to by different terms, including "confrontational calls," "pretense calls," "taping," "consensual taping," etc.

The purpose of a pretext phone call is to solicit incriminating statements from the suspect. A suspect will frequently talk to the sexual assault victim about the incident if he believes the victim is alone and no one else is listening. The tape recording resulting from an effective pretext call gives the investigator leverage during the subsequent interview of the suspect because the investigator can confront the suspect with the statements the suspect made during the pretext phone call — statements which were recorded on tape.

Evidence and statements obtained as the result of a pretext call can be powerful evidence in court, and are sometimes key evidence linking the suspect to the crime. **Bare in mind, however, that, depending on the victim and the circumstances, a pretext call can amount to a second victimization, as the victim may not be able to handle the emotional consequences a pretext call can create.**

Some states have laws which make it illegal to record phone calls. However, some of these states exempt law enforcement officers from these laws when the officer is acting within the scope of official duties; for example, California Penal Code Section 633 provides such an exemption. Some states require that court authorization be obtained before recording a call. If you are

unsure about the legality of recording calls in your state, check with your local prosecutor and state laws.

Depending on the laws or policies in your area, you may want to consider having the victim sign a consent form prior to making the pretext call. This form can also include language to protect your agency from potential liability in relation to any later claims by the victim, such as claims relating to emotional injury.

Finally, no two cases are alike. Some suspects are extremely dangerous and associate with other dangerous people. This monograph is merely a set of suggestions for the investigator to consider -- however, the foremost consideration must be the safety of the victim. No set of suggestions could address all the safety issues which might arise in a given case. Therefore, as with any investigative step, the investigator should proceed caution.

Necessary Equipment

- ✓ **Standard audio cassette recorder.** The recorder should have both a "mic/input" jack (microphone input jack) and an ear plug jack. Handheld recorders work well, as pretext calls are frequently made from locations other than the investigator's office.
- ✓ **Ear plug.** An ear plug allows the investigator to listen to both parties to the call while the call is in progress.
- ✓ **A device to connect the tape recorder to the phone for recording purposes** — specifically, a Phone Recording Control Device which connects directly between the phone line and the modular jack on the phone. It also plugs into the mic/input jack of the tape recorder. This device is simple to use, and provides dependable recording and excellent audio pick-up of both parties to the call. It can be purchased at electronic equipment stores for approximately \$20.

Tip: Avoid using the suction cup devices sometimes used to record calls. The suction cup devices can result in poor quality tapes or worse. For example, reportedly in one instance the suction cup

device only recorded the voice of the witness working with the police — and not the suspect's voice.

Victim Interview and Related Considerations

It is imperative that the investigator interview the victim in detail before making a pretext call. The information gained from the interview will help the investigator formulate questions for the victim to ask the suspect. The information will also help the investigator analyze the statements made by the suspect during the recorded pretext call. The investigator should be familiar with all aspects of the case, including witness statements.

An effective pretext call can only be conducted if the victim is willing to cooperate. Keep in mind that it may be too traumatic or embarrassing for some victims to converse with the suspect effectively. And, as noted above, when deciding whether to make a pretext call, consider the emotional effect the pretext call might have on the victim. **If the victim is willing to make a pretext call, consider having a counselor or victim's advocate available to help the victim immediately after the call.**

Tip: Undercover Pretext Calls -- Depending on the circumstances, the investigator should consider having an undercover police officer (or a friend of the victim) pose as the victim for purposes of the pretext call. Obviously, if the suspect knows the victim well, the suspect may detect a difference in the voice — and this could undermine the effectiveness of the pretext call. However, the undercover agent (or friend of the victim) might be able to explain that away; for example, the undercover officer (or friend of the victim) might “explain” that she has been upset, has been crying, and/or has not been sleeping well.

During the undercover pretext call, the suspect may request the victim's phone number so that he can re-contact the victim. In planning the undercover pretext call, consideration must be given as to what phone number, if any, to give the suspect.

A note of caution: If someone poses as the victim for the purposes of the pretext call, the implications of this to the victim and the victim's safety must be carefully considered, discussed with the victim and addressed. For example, after the pretext call, the suspect may attempt to re-contact the actual victim; the victim must be prepared for this possibility.

When to Make the Pretext Call

The "best" time to make the call will depend upon the circumstances of the case. A pretext call does not have to be initiated immediately; indeed, it can be initiated days, weeks, or even months after the incident. In some instances, a long delay may cause the suspect to think he "got away with it," and he might be more willing to talk about the incident. Depending on the circumstances, multiple pretext calls may be appropriate.

In lengthy investigations, consider initiating the pretext call on a date which coincides with the "anniversary" date of the crime or on some other date on which the suspect might be thinking about the victim. For example, if the suspect knows the victim well, the victim might call the suspect on the victim's birthday.

Preferably, a pretext call should be made before the suspect becomes aware of the investigation. However, even if the suspect knows of the investigation, a pretext call may be an appropriate tactic, especially in cases where the evidence is not yet strong enough to obtain a conviction.

Tip: When a suspect is represented by an attorney, the legal principles applicable to contacts with represented persons must be followed. Under such circumstances, no direct or indirect contact with the suspect should be undertaken by law enforcement -- or anyone working under the direction or control of law enforcement -- without the express authorization of a prosecutor.

If the investigator is concerned that the suspect would immediately think that a phone call from the victim must be some kind of trap, initiate the call on a weekend, or late at night, when the suspect might be off guard and less suspicious.

Tip: If the resources are available, have a surveillance team surveil the suspect's house and learn when the suspect normally returns home from work. Then, on another day, have the surveillance team in place and the victim ready to place the call. When the surveillance team reports that the suspect has just returned home, have the victim place the call. This procedure may minimize the stress and inconvenience of making a pretext call, only to learn that the suspect is not at home. Also, calling the suspect the moment he gets home from work might catch the suspect off guard. Finally, by using this procedure, the surveillance agents can testify that the suspect was home at the time of the call — and, thereby, provide additional evidence that it is the suspect's voice on the tape.

Preparing for the Pretext Call

In sexual assault cases, the victim frequently knows the suspect and pretext calls can be effectively utilized in many such cases. If the suspect is a complete stranger to the victim, a pretext call may not be possible, as the suspect may wonder how the victim got his phone number and become suspicious. However, if your evidence is not yet enough to obtain a conviction, you have nothing to lose. Be creative. For example, have the victim tell the suspect that a "friend of a friend" knows him, and that's how she got his number.

Prepare a list of questions and statements the victim can say to the suspect that will encourage the suspect to talk about the incident. Review this list with the victim. The victim should understand the purpose of the call — to obtain incriminating statements by the suspect. Formulate questions/statements in anticipation of what the suspect may say to the victim (for example, admissions, denials, apologies, evasiveness). These questions should be listed on paper so that, if necessary, the victim can refer to them during the call; this could be critical because many victims become nervous during the call, and forget what to say. Remind the victim to let the suspect do most of the talking, and to avoid interrupting him.

To help prepare the victim for the possible responses by the suspect, practice or "role play" the questions with the victim. This will help the victim

avoid sounding like she is reading from a script during the call. The practice sessions should be as close to the “real thing” as possible — even to the extent of having the victim call the “suspect” (the investigator) on a different line and the investigator responding in the different ways the suspect might respond. The more the victim practices under “battle conditions,” the better prepared the victim will be to effectively conduct the pretext call.

During the pretext call the victim should avoid harsh, accusatory questions like, “Why did you rape me!?” A suspect's usual answer to this type of question is, “I didn't rape you.” A suspect may admit he took advantage of the unconscious victim, but he doesn't want to be associated with the likes of a “rapist” or a “criminal.” Instead, the victim might ask the suspect something like:

“Why did you have sex with me after I pushed you away and told you to stop?”

or

“You knew I was out of it and didn't know what was going on, but you had sex with me anyway. Why?”

This type of question is more likely to illicit an incriminating statement. Avoid nebulous questions like, “Why did you do *it*?” Try to be more specific. **A lack of denial by the suspect may be as incriminating as an admission.**

Note: In some jurisdictions, the laws of evidence have a specific term to describe evidence which establishes that someone failed to deny an accusation under circumstances which called for a denial had the person been innocent. The term for that evidence is an “admission by silence.” See, for example, United States v. Aponte, 31 F.3d 86, 87 (2d Cir. 1994).

Under the circumstances, it may be in the public interest for the victim to make misrepresentations to the suspect. For example, if the suspect asks the victim if she told the police what happened, she can tell him, “No.” **However, the victim should not make threatening statements like, “If you don't admit you raped me, I'm going to call the police and have you arrested.”**

When planning a pretext call, one should arrange to place the call from a location which is well-suited for that purpose. For example, some law enforcement agencies have automatic answering devices on their non-undercover phone lines -- devices which, among other things, inform the caller that he has reached the law enforcement agency. Because some suspects use "Caller ID" and automatic return calling, such non-undercover phone lines should not be used. In most cases, the call can be made from the victim's residence.

Finally, the victim should not be under the influence of alcohol or drugs that could affect her judgment, thought processes, or emotional stability during the pretext call.

Making the Pretext Call

Here is a short checklist to keep in mind when making the pretext call:

- Make sure there is nothing in the room to distract the victim, such as unnecessary persons or ringing phones. **Silence all police radios, cellular phones and beepers. Also, make sure that public address systems, fish tank motors, and anything else that can cause noise or electronic interference are turned off.**
- Ensure that the victim is prepared for the various possibilities when placing a call.** For example:
 - the pretext call may be "answered" by an answering machine;
 - the line might be busy;
 - the suspect may have "call waiting" and answer the pretext call while placing someone else on hold;
 - someone other than the suspect may answer -- and the suspect may or may not be home;

- the suspect himself may answer — but other persons may be in the room with the suspect or the suspect may have visitors;
 - the suspect himself may answer — and he may be alone; or
 - the suspect himself may answer — and he may be alone — but he may report that he doesn't have the time to talk right then because he has to go somewhere.
-
- If the recorder is battery operated, make sure that fresh batteries are installed.
 - Attach the recording equipment to the phone, and test it to make sure it is working properly.
 - Attach the ear plug to the recorder so you can “listen in” on the call.
 - The investigator should record an introduction on the tape to document the date, time, case number, victim's name, etc.
 - Before placing the call, double check the recorder to make sure it is turned on and placed in the “record” mode.

When the victim contacts the suspect, the investigator should listen carefully to both sides of the conversation and assist the victim by pointing to questions on the list that the victim should ask the suspect. Have a note pad handy to jot down additional questions that come to mind as the conversation develops — questions that the victim can pose to the suspect during the conversation.

Usually a pretext call will not last longer than thirty minutes. The victim should remain focused on talking about the incident. If the conversation drifts too much into other areas, you may end up with a tape that is of little evidentiary value.

Once the call is completed, the tape becomes evidence and should be handled with the same care as any other piece of physical evidence.

Other Considerations

In the event that you only have a pager number for the suspect, it may be necessary for you to wait with the victim by the phone until the suspect calls back. If the wait is too long, consider installing the recording equipment on the victim's phone and leaving the equipment with the victim in case the suspect should call her at a later time. In this situation, the victim is deemed to be recording the call as an "agent" of the investigator -- a procedure which is legal in California. Investigators in other jurisdictions should inquire into the legality of this in their jurisdictions.

If you attach the recorder to the victim's phone and leave it with the victim:

- give the victim thorough instructions on how to operate the recorder

Tip: For evidentiary purposes, carefully test the device, ensure that it is able to record sound, instruct the victim on how to use the device — and then document in a report that you performed these steps.

- if the victim has more than one phone, discuss with the victim the fact that she will need to remember to pick up only the phone which is connected to the recording device. Otherwise the victim will need to give an excuse to the suspect to explain why she needs to "change" phones.

Tip: If the victim disconnects all her phones except the one with the recording device, the victim will not have to be worry about picking up the "wrong" phone.

Again, consider the victim's emotional state when deciding whether she is capable of talking to the suspect without your presence, support and assistance.

Tip: Leaving a recording device attached to the victim's phone.

Perpetrators have been known to initiate contacts with their victims. If this is a possibility in your case, consider attaching the recorder to the victim's phone as soon as possible to record the suspect's calls. Likewise, even if the suspect has already been arrested for the rape, consider attaching a

recorder to the victim's phone if there is any reason to believe that the suspect -- or his associates -- may try to call her. Keep in mind that a defendant — even a defendant in jail — may be able to place a call to a victim. **If you leave the recorder attached to the victim's phone, be sure that the victim is given thorough instructions on using the device, including how to respond if -- when the suspect calls — the victim picks up the “wrong” phone (in other words, a phone in her residence other than the phone to which the recorder is attached).** Again, ensure that in your jurisdiction it is legal for the victim to record calls under these circumstances.

If there is a possibility that the suspect or one of his acquaintances may visit the residence of the victim, consideration must be given to the need to hide the recording equipment. This situation could arise in a variety of circumstances — particularly where the victim and the suspect are acquainted, have friends or acquaintances in common, or are members of the same family. This recommendation is intended to address the safety of the victim — and is not a recommendation that the victim try to record a face-to-face conversation with the suspect, which may present practical, safety and legal issues.

If later the victim is able to complete the pretext call, retrieve the tape as soon as possible to prevent loss or accidental destruction -- and to minimize evidentiary challenges relating to alleged tampering or chain-of-custody issues. Normal chain-of-custody procedures should be followed.

Conclusion

Pretext calls have helped me in a number of my investigations that ultimately resulted in convictions. Some of these cases would not have been prosecuted were it not for the statements the suspect made to the victim during the pretext call.

I would like to thank the FBI Behavioral Science Unit — specifically, Joe Harpold (Supervisory Special Agent), Sharon Smith (Supervisory Special Agent) and George DeShazor (Supervisory Special Agent) — for their important

comments and suggestions during the development of this monograph. I would also like to thank Stephen Band, Ph.D., Unit Chief, FBI Behavioral Science Unit, for his support of the project to develop this monograph. Finally, I would like to thank Robert Lipman, a trial attorney with Narcotic & Dangerous Section of the Criminal Division of the U.S. Department of Justice; Mr. Lipman encouraged my unit — the Sex Crimes Unit of the San Diego Police Department — to share with other law enforcement agencies our suggestions about pretext phone calls and to develop this monograph for that purpose; it was Mr. Lipman who suggested that my unit contact Dr. Band of the FBI and ask for suggestions on the psychological issues that investigators should consider in using pretext calls in sexual assault cases; Mr. Lipman also made suggestions on the monograph itself.

I welcome any corrections, comments or suggestions that will improve the content of this monograph. Don't hesitate to call my office anytime.

Harold Eisenga, Detective
San Diego Police Department
Sex Crimes Unit
1401 Broadway, M.S. 744
San Diego, CA 92101
Ph# 619-531-2331

San Diego Police Department

Training Bulletin

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JERRY SANDERS
CHIEF OF POLICE

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DRUG FACILITATED SEXUAL ASSAULT INVESTIGATIONS

I. INTRODUCTION

Over the last several years, reports of drug-facilitated rapes and sexual assaults have been increasing. These cases present unique challenges to both police and prosecutors. This bulletin will help police officers meet those challenges.

In a drug-facilitated sexual assault, it may be difficult to detect the type of drug used. The drug is often surreptitiously given to the victim. Each time the victim urinates, more of the drug is eliminated from the body. By the time the victim realizes what happened, valuable time may have elapsed, making it difficult -- if not impossible -- to detect the drug in the victim's urine.

II. WHAT "FIRST RESPONDERS" SHOULD LOOK FOR

Drug-facilitated sexual assaults are classified in penal code sections 261(a)(3) or (4) P.C., Rape, 262(a)(2) or (3), Spousal Rape, 286(f) or (i), Sodomy, 289(d) or (e), Penetration with a Foreign Object, and 288a(f) or 288a(i), Oral Copulation.

The following scenario is an example of the type of incident to which you might respond:

The victim is surreptitiously given the drug by "spiking" her drink, or the victim willingly takes the drug, most commonly "roches"(Rohypnol) or "Somas"(Soma), believing she will get a quick high.

The victim may lose consciousness and be raped while she is unconscious. Or, the victim may remain conscious, but be so incapacitated by the drug, that she is unable to fend off the sexual assault. The victim may also experience amnesia similar to an alcohol black-out. The victim may have little or no recollection of the assault -- and may even be unsure that she was sexually assaulted.

As the preliminary reporting officer, you play a crucial role -- especially in the preservation and collection of critical, perishable evidence. If you believe you are investigating a drug-facilitated sexual assault, notify the on-call Sex Crimes sergeant **immediately**.

III. WHAT VICTIMS NEED TO KNOW

A. PRESERVATION OF EVIDENCE

If the sexual assault occurred within the last three days, advise the victim not to shower, bathe, douche, urinate or otherwise alter her/his physical self, or engage in any activity that may contaminate or destroy valuable evidence such as semen, saliva, hairs, etc. Thus, the victim should **not**:

eat, drink, brush teeth, chew gum, eat (food or candy), smoke or gargle --nor, as indicated above, shower, bathe, douche, or urinate.

B. CLOTHING

Advise the victim the hospital may need to collect her/his clothing if it was worn during and/or immediately after the assault. Recommend that she/he either bring a change of clothing with her/him to the hospital, or have someone bring clothing to her/him.

Note: If the victim has used a tampon or sanitary napkin since the assault, consult an evidence technician for appropriate evidence collection procedures.

C. VICTIM'S RIGHTS

California Penal Code gives sexual assault survivors the right to request their name and address not become public record. Sexual assault survivors also have the right to have a victim advocate and/or at least one other support person of their choice present at any follow-up interview with law enforcement authorities, deputy district attorneys and defense attorneys.

IV. INVESTIGATIVE PROCEDURES

A. THE VICTIM INTERVIEW

The victim may remember little, if any, about the sexual assault itself. The victim's account of the events may have many missing parts. You must maintain an open mind while listening to the events as the victim recalls them.

Remember: for these victims, telling what they recall is difficult and their uncertainty as to what occurred, may cause them extreme anxiety. Often, the perpetrator was a "trusted" acquaintance and the victim may feel the incident was somehow her fault. Keep in mind: a victim whose memory is impaired due to the pharmacological effect of a drug, may innocently and unconsciously seek facts to fill in the gaps in her memory. Avoid "suggestive" questions while conducting the interview. It is very important to have the victim articulate how they felt or what they had been doing prior to losing consciousness.

The victim may display any or all of the following symptoms: memory loss, dizziness, confusion, drowsiness, slurred speech, impaired motor skills, impaired judgment, reduced inhibition or a variety of other symptoms. The victim may also appear intoxicated or "hung-over".

B. WITNESS STATEMENTS

Although the victim statement is crucial to the investigation, persons who **saw** the victim, or **spoke** to the victim, **before, during and after** the assault are critical witnesses. Often, it is such witnesses who establish time frames, notice unusual behavior, provide critical facts and can identify potential sources of information.

C. EVIDENCE COLLECTION

In suspected drug-facilitated sexual assaults, follow the same steps outlined in Department Procedure 6.6 and 6.11. In addition, you should adhere to the following:

1. Immediately determine the time frame of the incident. If the assault may have occurred within 96 hours (4 days), immediately obtain a urine sample.
2. If the victim has to urinate prior to a collection sample being taken in a medical facility, the victim should be requested to urinate in a CLEAN jar or container with a top.
3. Because there could be a need for multiple toxicology tests, it is important to obtain as much urine as possible. (100 ml if possible.)
4. If the assault may have occurred within 72 hours of the report, a SART exam will be necessary and the specimen samples can be obtained at that time.

5. If the assault may have occurred within 24 hours of the report, obtain a 30 ml blood sample (in gray top tubes), as well as urine.
6. In cases where a victim is transported to a hospital because she/he needs medical attention, blood and urine samples may be obtained to assist in diagnosis and treatment. Ensure that a **urine** sample is obtained for **law enforcement**. Also, if the sexual assault may have occurred within the last 24 hours, obtain a 30 ml blood sample (in grey top tubes), in addition to the urine.
7. If the urine samples were obtained prior to your arrival, determine if any amount of specimen is available beyond that needed for hospital lab work. If so, seize the specimen and impound it at the Headquarter's Property Room following the standard procedures for impounding sexual assault evidence as outlined in Department Procedure, 6.11 and 3.02. If such specimens are not available, initiate steps to obtain additional samples from the victim.
8. Request a waiver for the release of all medical records and specimen samples. Attach the waiver to the preliminary investigation.
9. When completing the impound form, write in the word "Refrigerator", in the upper right hand corner, in the space marked "Bin location". Attach the yellow copy of the impound tag to the investigator's copy of the report.
10. Collect and impound all clothing worn **DURING** and **AFTER** the assault. Note in your report which clothing was worn during the assault and the clothing the victim might have put on after the assault.
11. If large quantities of these drugs or evidence indicating sales are found while investigating a sexual assault, in addition to Sex Crimes, notify the Narcotics Unit and handle per Department Policy 3.15.
12. Evidence that may be found in drug-facilitated rape cases -- such as drugs, ingredients used to make drugs, drug-related literature and recipes, Internet correspondence, drug packaging and bottles, photographs and video tapes of victims -- might be located in the suspect's residence, vehicle, place of employment, locker, etc. If written consent cannot be obtained to search the premises in question, consider seeking a search warrant.

13. To prevent potential evidence from being destroyed or lost, notify the Sex Crimes Unit **BEFORE** the suspect is taken from the scene or booked into jail.

V. DRUG TYPES MOST COMMONLY USED TO FACILITATE SEXUAL ASSAULT

The following drugs are listed and categorized to be easily recognized if seen. All of these drugs have hypnotic, sedative, CNS (central nervous system) depressive action. When mixed with alcohol, the drug's effects are greatly enhanced. These drugs may be packaged or concealed in prescription and/or vitamin bottles, bubble packs, or glass vials (liquids). Please refer to the attached Drug Table.

Local law enforcement officials have seen the majority of these drugs in the South Bay area or close to the Mexican Border. Rohypnol is illegal in the United States, however, it can be legally purchased in other countries, including Mexico.

Soma and Klonopin (Rivotril), are legal in the United States and also can be easily obtained in Mexico. These are most often found in pill form.

GHB is a street manufactured drug, often found at underground "Rave" parties and in the body building scene as a "steroid". It is usually found in either of two forms: clear liquid or white powder.

Ketamine is an anesthetic used primarily for veterinary purposes but has recently become popular as an illicit street drug. It can be found in its veterinary pharmaceutical form (a liquid) or in a powdered form (resembling cocaine).

These are not the only drugs that can be used to facilitate rape. However, we have found these to be the most prevalent and easily obtained in the San Diego area. Officers are also reminded that alcohol is the most common substance used to facilitate sexual assault and many of the investigative techniques noted in this training bulletin can be applied to assaults involving alcohol as well.

If there are any questions about handling an incident of the type described in this training bulletin, notify the Sex Crimes Unit for immediate assistance.

Trade Name	Generic Name	Street Name	Description	Effect	Intended Use
Soma (Wallace)	Carisoprodol (prescription only)	"Somas"	wht/round/350 mg (inscribed "Wallace")	drowsiness motor incoordination <u>In Extreme Doses:</u> nausea severe weakness sensation of paralysis	muscle relaxant sedative
Rohypnol (Roche)	Flunitrazepam (Schedule IV)	"Roches" "Roofies" "Rocha"	wht/round/1 or 2 mg (inscribed "Roche")	dizziness hypnotic sedative motor incoordination slurred speech impaired judgment behavior disinhibition amnesia induces unarousable sleep disorientation	surgical hypnotic sedative
Klonopin/Rivotril (Roche)	Clonazepam (Schedule IV)	Sold on the street in lieu of Rohypnol "Roches"	wht/round/2 mg (inscribed "Roche")	(effects similar to Rohypnol) amnesia sedation	anti-convulsant relieves anxiety muscle relaxant
Gamma Hydroxy Butyrate	GHB (Schedule II)	GHB, Ecstasy Liquid X Easy Lay	clear liquid or white powder (tastes salty)	sexual stimulator seizures loss of consciousness amnesia nausea/vomiting drowsiness/stupor induces unarousable sleep *excitation *resistance to restraint	intoxicant anabolic steroid
Ketamine Hydrochloride	Ketamine (Schedule III)	Special "K" Super Acid Special LA Coke	liquid or white powder	amnesia disassociation unconsciousness hallucinations P.C.P. - symptomology	veterinary anaesthetic human analgesic

*It is very uncommon, however, these objective symptoms have been seen in the beginning stages following the ingestion of the drug.

**SAN DIEGO POLICE DEPARTMENT
FORENSIC SCIENCES - PRELIMINARY RAPE CASE INFORMATION**

Case # _____

Detective: _____

Victim's Name: _____

Suspect's Name: _____

In custody? No Yes

1. Did the victim have consensual sex within 96 hours (4 days) prior to the time the hospital samples and/or clothing were collected? No Yes **(Reference standards, from all consensual partners, should be collected before submitting the request to the laboratory.)**

Specify: 1 day before 2 days before 3 days before 4 days before

If yes, can a reference sample be obtained from the consensual partner(s)? No Yes

2. Was oral activity involved in the sexual assault? No Yes

If yes: fellatio Victim on Suspect Suspect on Victim
 cunnilingus Victim on Suspect Suspect on Victim
 other? specify: _____

3. Was anal activity involved in the sexual assault? No Yes Type: _____

4. Did the suspect ejaculate? No Yes Victim unsure N/A

If yes, where did ejaculation occur?

Internal? Vagina External? Victim's body (location) _____
 Mouth Clothing item (describe) _____
 Rectum Other (specify) _____

5. Was a condom worn during the assault? No Yes Victim unsure N/A

6. Was victim or suspect bleeding during the assault?

Victim: No Yes From what area(s) of the body? _____

Suspect: No Yes From what area(s) of the body? _____

Did the victim receive a blood transfusion? No Yes

Did the suspect receive a blood transfusion? No Yes

Was the victim menstruating? No Yes

7. Was clothing collected other than items worn to the hospital (e.g. from the scene)? No Yes

What clothing was worn during and after the assault?

During: _____ After: _____

REV. 11/13

Based on information from the victim, which item(s) of clothing is/are most likely to have seminal fluid stains from the suspect? _____

8. Was bedding collected? No Yes If "No", go to Question # 11.

9. Based on information from the victim, which item of bedding is most likely to have seminal fluid stains from the suspect?

Bottom bed sheet Top bed sheet Bed spread Blanket Pillow case

Other: _____

10. Did any type of consensual sex act take place on the bedding since the last time it was washed?

Bottom bed sheet No Yes Top bed sheet: No Yes

Bedsread No Yes Blanket No Yes

Pillowcase No Yes Other: No Yes

(If yes, unless the seminal fluid stain(s) related to the assault can be identified for the analyst, it will be necessary to obtain blood and saliva standards from all individuals involved before any comparison analysis is performed.)

Note: If above information concerning the history of the bedding is not obtained, the bedding will not be examined.

11. Were any other items collected from the scene? No Yes

If yes, list items collected. _____

12. Has a suspect been identified? No Yes

Are suspect reference samples available? No Yes Property Tag # _____

13. Do the suspect and victim know each other? No Yes

If yes, at the time of the assault, were they involved in a consensual sexual relationship? Yes No

Note: Bedding that has not been washed since the consensual sex act(s) between the victim and the suspect will not be examined for semen.

14. Other relevant information? _____



**SAN DIEGO POLICE DEPARTMENT
FORENSIC SCIENCE SECTION**



SEX CRIMES TOXICOLOGY REQUEST

Unit/M.S.		Case No.	Today's Date
Subject's LAST Name		Subject's First Name	Subject's DOB
Detective's Name	Phone	Sergeant's Name	Phone
Property Tag No.	Blood Alcohol No.	Urine Alcohol No.	
Date/Time of Assault	Date/Time of Forensic Examination	Number of Hours Between Incident and Sample Collection	
<input type="checkbox"/> BLOOD BA result, if known: _____	<input type="checkbox"/> FIRST VOID URINE TIME: _____	<input type="checkbox"/> SECOND VOID URINE TIME: _____	

SUBJECT SYMPTOMS

<input type="checkbox"/> drowsiness	<input type="checkbox"/> motor incoordination	<input type="checkbox"/> nausea	<input type="checkbox"/> severe weakness
<input type="checkbox"/> sensation of paralysis	<input type="checkbox"/> sedation	<input type="checkbox"/> slurred speech	<input type="checkbox"/> impaired judgment
<input type="checkbox"/> loss of inhibitions	<input type="checkbox"/> loss of consciousness	<input type="checkbox"/> disorientation	<input type="checkbox"/> sexual stimulation
<input type="checkbox"/> seizures	<input type="checkbox"/> vomiting	<input type="checkbox"/> stupor	<input type="checkbox"/> excitability or aggressive behavior
<input type="checkbox"/> resistance to restraint	<input type="checkbox"/> disassociation	<input type="checkbox"/> hallucinations	<input type="checkbox"/> dizziness
<input type="checkbox"/> muscle relaxation	<input type="checkbox"/> memory impairment	<input type="checkbox"/> visual disturbances	<input type="checkbox"/> confusion
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SELECT DRUG PANEL(S)

<input type="checkbox"/> General Drugs (Urine)	Amphetamines Phencyclidine	Cocaine Benzodiazepin	Opiates Marijuana
<input type="checkbox"/> Prescription Drugs (Urine)	Chlorpheniramine Diphenhydramine Brompheniramine Dextromethorphan Meperidine Verapamil	Orphenadrine Amitriptyline Meprobamate Methaqualone Barbiturates	Carisoprodol Desipramine Imipramine Lidocaine Thioridazine
<input type="checkbox"/> Specialized Sex Crimes (Urine)	Barbiturates Rohypnol	Soma GHB	Ketamine Scopolamine
Sergeant's Approval Required			
<input type="checkbox"/> Other (Urine)	Specify:		
<input type="checkbox"/> Alcohol (Blood)			