



**Mission:** *To promote a community-wide response to sexual violence by coordinating a multi-disciplinary team that will ensure victims receive comprehensive, compassionate care*

## **Sexual Assault Response Team (SART) Law Enforcement Meeting Minutes Thursday, May 26<sup>th</sup>, 2022**

### **Call to Order:**

Nicole Bishop, Director, Palm Beach County Victim Services & Certified Rape Crisis Center (PBCVS)

Sergeant Juliana Martinez, Special Investigation Division/Special Victims Unit, Palm Beach Sheriff Office

### **Welcome/Introductions of Members and Guests:**

Nicole Bishop welcomed all who attended the meeting and facilitated introductions.

Members introduced themselves.

### **New Business:**

*Law Enforcement Staffing-Sergeant Juliana Martinez, PBSO, Carol Messam-Gordon, Program Coordinator, PBCVS*

Throughout April and May, SART LE members were encouraged to submit cases that they wanted to staff at the upcoming meeting. Four law enforcement agencies submitted seven cases to staff at the case staffing.

- Boca Raton Police Department- 3 Cases
- Boynton Beach Police Department: 1 Case
- Palm Beach Sheriff's Office- 2 Cases
- West Palm Beach Police Department: 1 Case

**SART Case Review** is the systematic process of reviewing cases and identifying compliance with or deviance from established policies and protocols. Case reviews can also include a determination of gaps and barriers to an effective response to sexual assault. By evaluating service delivery, we can foster better collaboration and a more holistic victim response.

Sergeant Martinez and Program Coordinator Carol Messam-Gordon facilitated the case staffing. Please see below a list of cases staffed the case types, and the recommendations.

### **Boca Raton Police Department: Detective Peck, 11/08/2021**

#### **Case Type: *Acknowledgment of Excellent SART Response /Delivery of Services:***

The victim, in this case, reported that she consumed alcohol and cocaine while on a Tinder date.

The victim reported the following day that her date, a male, sexually battered her and a Trans

female was also present during the incident. The victim sustained injuries and had anal bleeding. Law enforcement reported that the victim advocate who initially responded to the hospital was at the end of her shift and appeared to be in a hurry, and at times, it felt as if she was rushing the case. The responding, Forensic Nurse did a great job and went above and beyond to comfort the victim and stayed with her until she was able to be released from the hospital. The suspect was immediately identified and the victim agreed to return to the police department to view a photo line-up. Another advocate responded to the police department to provide support to the victim as she completed the photo line-up. Because of an issue with the victim obtaining medications from the hospital, the Medical Follow-Up Coordinator met with the victim the following day. During the victim's medical follow-up appointment, the victim was contacted by the Trans female suspect to return the cell phone she left at the suspect's residence. The Medical Follow-Up Coordinator was able to successfully assist the detective with a controlled texting conversation with the Trans female to get her to go to a location where law enforcement could locate her and interview her.

***Case update:*** This was a very good example of Palm Beach County Victim Services working with law enforcement as a team. Because of the teamwork, the suspect, in this case, was identified and interviewed. The case is still active/open pending DNA. Detective Peck intends to file the case with the State Attorney's Office when she received the results from the DNA.

### **Boca Raton Police Department: Detective Peck, 02/26/2022**

***Case Type: Delivery of Services:*** The victim reported that a male that she met through her friend sexually assaulted her while she was at his house for a pool party. The victim has PTSD from a previous sexual assault and has other medical conditions. The victim was very emotional during the initial interview and was unable to recall some of the incidents. The victim currently lives in Tampa and traveled to Boca Raton for her initial interview. At a later date, she again traveled back to Boca Raton to attempt a controlled phone call and provide additional details of the incident, which she later remembered. The victim advocates did a good job making the victim feel comfortable and supporting her during her meetings with Law Enforcement. The victim returned to Tampa and completed another controlled call with the Tampa Police Department.

In the future, I am not sure whether SART has the ability to contact another Victim Services to coordinate victim advocates in another county to assist or whether one has to be requested by the police departments. I did inform the Tampa Police Department that she requested a victim advocate to be present, but I am not sure if she was provided an advocate for the controlled call in Tampa.

This case is still currently under investigation, pending an interview with the suspect. Is PBC SART able to coordinate services for victims who are living in another county?

***Suggestions to Improve Services:*** Victims who are victimized in Palm Beach County and reside in another county can receive follow services from a Rape Crisis Center closest to their residence. The assigned advocate will provide appropriate referrals for services. If there is an arrest and a trial is scheduled in Palm Beach County, PBCVS Advocates will provide support to the victim. PBCVS Program Coordinator contacted the advocate and advised her to refer the victim for services to the Rape Crisis Center in Tampa.

**Boca Raton Police Department: Detective Lima, 09/09/2021**

**Case Type: *Delivery of Services:***

The victim, in this case, was in a drug detox center and was transported to the hospital, where she believed a sexual battery occurred. The victim appeared to be possibly suffering from an unknown mental illness. The victim was initially hesitant to go to the Butterfly House. She did not like the victim advocate and did not believe the process was explained to her properly. Det. Lima was able to calm the victim down and explain the process to her so that she eventually agreed to go to the Butterfly House; however, while at the Butterfly House the victim still did not get along with the victim advocate and it made the process of obtaining a statement and SBECK kit more difficult. The victim felt the advocate was insensitive. The SBECK kit did not come back with any positive findings for DNA and this case was later unfounded by Det. Lima. It should be noted that the victim stopped cooperating with the case and did not return Det. Lima's calls.

***Suggestions to Improve Services:*** In the report above, there was an indication that the victim, in this case, appeared to have some mental health issues and was in a detox center. Based on the information provided and communication between the advocate and responding law enforcement, if there is a conflict or the inability to foster communication between the victim and advocates, advocates can staff the case with the duty supervisor. Duty supervisors can provide tools to assist the advocate with tools to assist with better communication with the victim. With mental illness, there might not always be a solution and we have to allow the victim to let us know how far they want to go with the process. That is the right of the victim. Everyone involved must always remember to utilize a victim-centered approach and allow the victim to steer the process. If after speaking with the duty supervisor it is determined that another advocate is needed, the duty supervisor can assist.

**Palm Beach Sheriff Office: Detective Gentilcore, 5/12/2022**

**Case Type: *Delivery of Services:*** Detective Gentilcore had a sexual assault case that was unique. It could be interesting to discuss the options available when the victim is out of the county. The victim responded to a hospital in Broward County. Broward Sheriff's Office (BSO) responded and took her initial statement. BSO contacted the Palm Beach County Sheriff's Office (PBSO) and provided the information to them. PBSO SVU Sergeant contacted the Helpline to activate the SART process. The victim advocate spoke with the victim and provided her with information about the Rape Crisis Center in Broward County and the Butterfly House. The victim chose to complete

her sexual assault kit at The Boca Regional Hospital. PBCVS advocate was present to provide support.

What are the options available to victims who live in another county when the crime occurred in Palm Beach County?

***Suggestions to Improve Services:*** Victims living in another county and are victimized in Palm Beach County can receive coordination of services from an advocate from Palm Beach County Victim Services. Utilizing a victim-centered approach, if a victim wants to do their forensic exam at the Butterfly House, at a Palm Beach County hospital or a hospital outside of Palm Beach County, the victim advocate usually coordinates with the Law Enforcement agency that has jurisdiction over the case. We have had the Law Enforcement agencies ask for courtesy storage of the kit if the forensic exam is performed outside the jurisdiction of where the crime occurred. The Law Enforcement agency that has jurisdiction is responsible to coordinate the pick-up of the SAK and scheduling a taped statement with the victims. If the victim is out of the county PBCVS advocate will coordinate for another RCC staff to accompany and provide support to the victim during the interview.

#### **Palm Beach Sheriff Office: Detective Hamilton**

**Case Type: *Problem Solving:*** Detective Hamilton stated that during a deposition, he was asked about the location of the Forensic Nurse during his interview at the Butterfly House. They wanted to know if the door was open and if the nurse could hear the interview. Detective Hamilton also stated that he was asked for the Victim Advocate's name who was in the interview providing support to the victim at the time. The defense attorney stated that they could hear the victim advocate speaking during the interview. In this particular case, Detective Hamilton could not recall the victim advocate speaking during the taped statement and he also could not recall the name of the advocate.

***Suggestions to Improve Services:*** After a forensic exam, the Forensic Nurse remains in the exam room with the door closed, documenting and packaging the evidence to give to law enforcement. Victims have a right to have an advocate present during forensic exams and taped statements and forensic exams. The victim advocate is present to explain the victim's rights and provide emotional support to the victim. PBCVS will also purchase a noise machine for the Butterfly House. PBCVS Program Coordinator spoke with the SVU Chief at the SAO's Office and she said, "It's okay for the Forensic Nurse to be in another room with the door closed, she stated that this minor and will not affect the case".

#### **West Palm Beach Police Department: Sergeant Mooney 4/22/2022**

**Case Type: *Problem Solving:*** Minor victim was sexually assaulted by her stepfather. West Palm Beach Police Department responded to the initial Department of Children and Family investigation in which they were told that about 2 or 3 nights ago the suspect woke the victim up around 2 am. The suspect poured something on her and acted as if she wet the bed. The suspect then began touching her bottom with her pants pulled down. The victim stated that the suspect told her to go to her sister's bed where he told her to lay on the bed and pulled her pants down again. The suspect began touching her bottom, rubbing the outside of her vagina and penetrating

her vagina with his fingers. After WPBPD had completed their initial fact-finding, Detective Maldonado contacted the Child Protection Team (CPT) who advised that they would not be doing an immediate call-out. DCF advised that they would not be doing a protection plan. DCF advised that the victim would be in the custody of her father. This is an ongoing investigation.

Det. Maldonado contacted CPT who advised they would not be doing an immediate call out. DCF advised that they would not do a protection plan. DCF advised that the victim would be in the custody of her father, Glen Turner. This is an ongoing investigation. This victim was unable to have an exam completed by CPT and by a forensic nurse from PBCVS. This has happened in two cases and WPBPD is seeking advice on what to do in future cases.

**Is there an issue or would there be a violation if CSI swabbed the victim?**

***Suggestions to Improve Services:*** Whenever a Law Enforcement agency encounters a case in which CPT will not open to conduct a forensic exam on a minor, please contact the Helpline at 561-833-7273 and ask to speak to a Duty Supervisor at Palm Beach County Victim Services to assist with finding a solution. If the duty supervisor is in need of assistance contact will be made with Program Coordinator Carol Messam-Gordon or Forensic Nurse Manager Joy Radford-Cole. Pediatric cases are handled case by case. CSI swabbing a suspect's penis or the genitalia of a victim is not appropriate.

Program Coordinator, Carol Messam-Gordon spoke to SVU Chief at the SAO; she agrees that this should not be a practice for LE. Please utilize CPT or the forensic nurse for this process.

### **Boynton Beach Police Department: Detective Gorfido, 3/12/2022**

**Case Type: *Problem Solving:*** Officers responded to an address about a 14-year-old female asking for help. Officers found the victim to be very distraught. The victim informed officers she had been sexually assaulted. Officers conducted a cursory search and found no persons inside. During the cursory search, officers observed used condoms and discarded liquor bottles and cups. The single-family residence appeared to be vacant. The victim was transported to Bethesda Hospital due to visible injuries on her person and the need for immediate medical attention. PBCVS responded to Bethesda to complete the SAK. The victim said that she had run away from her rehabilitation facility with another teenager. The rehabilitation staff followed the teenage girls, who had taken off their shirts to avoid the staff grabbing onto their shirts. The teens were running around the area in just their bras and pants. While on the run, they met suspect one, at a gas station. Due to the staff members following them, the teens separated. Suspect one walked across the street and told the victim to come with him and get onto the Palm Tran Bus. The victim got on the bus with suspect #1 and traveled a short distance. Suspect #1 led the victim to the abandoned house and returned later with Suspect #2. When the two suspects returned, they gave the victim alcohol, which caused the victim to black out. When the victim awoke, she found her bra and underwear off and suspect #1 near her. Suspect #1 forced the victim to perform oral sex. The victim fell asleep and woke up the following day. Later that afternoon, the victim observed suspect #2 on a bicycle outside of the residence. He entered the residence, appeared to be recording her with his cell phone, and told her that it was a "boys rule" for everyone to be naked. Suspect #1 arrived shortly after and provided the victim with a CBD lollipop, which made her feel dizzy. Suspect #2 then made the victim perform oral sex on him again after he was unsuccessful in having sexual intercourse with her. Both suspects exited the

residence and were overheard by the victim that they were planning to shoot her. Once they left, the victim ran across the street to seek help.

This information was verified by surveillance footage and by the staff members who reported her missing. The two males were arrested after their fingerprints were identified on items that were recovered in the home during a search warrant. Suspect #2 was identified as a sexual predator.

During the Sexual Assault Kit, the forensic nurse did not swab the victim's genitalia for evidence. Detective Gorfido was wondering why this portion of the exam was never completed.

***Suggestions to Improve Services:*** During the forensic interview by the Forensic Nurse, the victim did not disclose that there was penetration; therefore, the FN did not swab the genitalia. The victim steers the bus and guides the process of the exam. The victim was 14 years old and the nurse did not want to cause additional trauma to the child victim. A seasoned forensic nurse performed the forensic and is well trained on evidence collection.

We want to thank everyone who submitted cases and participated in the SART law enforcement case staffing. These meetings were established because of input from you. We want to continue hearing from you as we continue to make improvements to our SART process.

*Future Meeting Suggestions-Kristen Ferguson, Project Coordinator, PBCVS*

Kristen provided SART LE members with the opportunity to provide ideas for future meetings.

- Please see list below:
  - SAO
  - CPT
  - Delayed reporting cases
  - Juvenile Cases
  - PBSO Forensic Unit
  - Student Sexual Battery (College)
  - SAO updates on case laws and best practices
  - CPT- Techniques to help in fact-finding interviews, that may help minor victims disclose the abuse
    - Why does CPT only do exams on minors for up to 72 hours?
  - Mental Health Resources
  - SART training on new protocols
  - Case Staffings Reviews
  - Mock Cases

**Next meeting date:**

SART General Meeting, June 30, 2022, 2pm-3pm

SART Law Enforcement Meeting, August 25, 2022, 2pm-3pm

**Thank you!**