05-007 Sexual Assault Victims' DNA Bill of Rights

Los Angeles County Sheriff's Department

FIELD OPERATIONS DIRECTIVE

Field Operations Support Services

SEXUAL ASSAULT VICTIMS' DNA BILL OF RIGHTS

PURPOSE

This directive establishes procedures for compliance with the Sexual Assault Victims' DNA Bill of Rights (Penal Code section 680).

BACKGROUND

The Sexual Assault Victims' DNA Bill of Rights provides victims of Penal Code sections 261, 261.5, 262, 286, 287, former 288a and 289 the right to know if a suspect DNA profile was obtained, if the profile was entered into a database, and if there was a DNA match. It also requires law enforcement agencies to notify victims of specified offenses if the agency elects not to analyze possible DNA evidence and/or if the agency intends to destroy or dispose of possible DNA evidence.

PROCEDURES

The provisions of this directive apply only to victims of Penal Code sections 261, 261.5, 262, 286, 287, former 288a and 289 offenses.

Station/Unit

Tested Sexual Assault Kits

If contacted by the victim, the assigned detective shall document the information provided to the victim or the victim's designee on the Sexual Assault Victims' DNA Bill of Rights Supplemental Report.

Should a victim request DNA test result information, the handling detective shall:

- Complete a "Sexual Assault Victims' DNA Bill of Rights" Supplemental Report (revised 10/2009);
- Query Property Evidence Laboratory Information Management System (PRELIMS) to retrieve sexual assault kit (SAK) results;
- Indicate on the supplemental report whether the victim or the victim's designee is to be informed. Should the victim request a designee to be informed, the victim must provide a name, address, and telephone number, and an email address if available;
- Verbally notify the victim or their designee whether a DNA profile meeting the requirements for uploading to the national DNA offender database, Combined DNA Index System (CODIS), was

obtained, whether the DNA profile was uploaded to CODIS, and whether a match in CODIS was reported. (If disclosure of a match would impede or compromise an ongoing investigation, disclosure may be delayed); and

If no match has been reported, advise the victim/designee the DNA profile will continue to be automatically run through CODIS on a weekly basis.

Time Limits Regarding the Testing of Sexual Assault Kits

DNA evidence associated with one of the previously listed sex crimes where the identity of the perpetrator is an issue shall require the victim to be informed in writing if the evidence has not been analyzed six months prior to the statutory time limits set forth in penal code section 803(g).

The letter is to be placed on Department letterhead and signed by the station/unit's captain or designee.

CITES/REFERENCES

Field Operations Directive (FOD) 05-01 - Collection of DNA Samples from Arrestees
Manual of Policy and Procedures (MPP) 5-04/010.20 - Items Requiring Special Handling
Manual of Policy and Procedures (MPP) 5-04/160.20 - Submission of Sexual Assault Kits to Scientific Services Bureau
Manual of Policy and Procedures (MPP) 5-09/350.00 - Policy and Procedure for Sex Related Crimes
Manual of Policy and Procedures (MPP) 5-09/350.05 - Responsibilities of Station Personnel and Special Victims Bureau Personnel on Rape and Sexual Assault Cases
Penal Code section 680 - Sexual Assault Victims' DNA Bill of Rights
Penal Code section 803 - Time Limitations on Criminal Prosecutions

ATTACHMENTS

Sexual Assault Victims' DNA Bill of Rights Supplemental Report