

23-03 - Sexual Assault and Your Rights as a Victim: AB 1312 / 680 PC

Los Angeles County Sheriff's Department

NEWSLETTER

Field Operations Support Services



Sexual Assault and Your Rights as a Victim: AB 1312 / 680 PC

Purpose

This newsletter informs sworn Department members of California Assembly Bill 1312 (AB 1312) and its requirements. AB 1312 amended Penal Code section 680(a), "Sexual Assault Victims' DNA Bill of Rights," and added Penal Code section 680.2, "Sexual Assault and Your Rights as a Victim".

Background

AB 1312 was approved by Governor Jerry Brown on October 12, 2017. This bill imposed new requirements on local law enforcement when conducting a sexual assault investigation, during the collection and processing of Deoxyribonucleic acid (DNA) evidence and notifying victims of their rights.

Penal Code section 680(a) is known as the "Sexual Assault Victims' DNA Bill of Rights." This amended Penal Code section addresses the handling, retention, and timely testing of DNA sexual assault kits.

Penal Code section 680.2 mandates deputies to provide victims of sexual assault with a pamphlet that explains their rights. This is consistent with Manual of Policy and Procedures, (MPP) section 5-09/350.00, Policy and Procedure for Sex Related Crimes

Under AB 1312, sworn Department members should familiarize themselves with the following:

- "Sexual Assault and Your Rights as a Victim" a pamphlet, which has been updated per AB 1312;
- "Field Deputies' Responsibilities" contains required verbiage when authoring a sexual assault incident report; and
- "PRELIMS" was updated to include a data field which allows for the entry of a Sexual Assault Forensic Evidence (SAFE) KIT number.

Sexual Assault and Your Rights as a Victim

"Sexual Assault and Your Rights as a Victim," is an informative pamphlet containing the victims' rights, resources, and the DOJ website address for the victim's (SAFE) Kit tracking portal: <https://kitstatus.doj.ca.gov>

The most current "Sexual Assault and Your Rights as a Victim" pamphlet (Form # SH-R-641), is located on the Departments intranet library, under "Electronic Forms": <https://lasd.sharepoint.com/sites/forms>

Field Deputies' Responsibilities

Per Manual of Policy and Procedures, (MPP) Section 5-09/350.00, Policy and Procedure for Sex Related Crimes, when handling a Sexual Assault incident, the deputy shall:

- Provide the victim with a "Sexual Assault and Your Rights as a Victim" pamphlet;
- Document on the incident report the issuance of the pamphlet; and
- Notify the local rape counseling center when the victim is transported to a hospital for examination, and document on the incident report the notification to the rape counseling center.

Additionally, per Special Victims Bureau, deputies should complete the following:

- The deputy should attempt to explain the pamphlet to the victim when possible; and
- The deputy should document the incident report number and the (SAFE) Kit Number on the pamphlet.

PRELIMS

During the evidence booking process, the deputy should pay special attention to a new field labeled "Kit Number". This field was created to enter the (SAFE) Kit number into PRELIMS.

The screenshot displays the PRELIMS evidence booking form. The form includes the following fields and values:

- Item #: 1, CSI #: , Qty: 1, LRN: K123456
- Category: Evidence (dropdown)
- Packaging: Item (dropdown)
- Item Type: Sexual Assault Kit (dropdown)
- Description: Sexual assault kit from Martha Smith
- Collected By: (dropdown), Date: (calendar icon)
- Booked By: Kenneth Howard - SSB (dropdown), Date: 04/16/2012 (calendar icon)
- Status: Hold (dropdown)
- Seized for DNA identity?: Yes (dropdown)
- Kit Number: SAE006419 (text field, highlighted in yellow)

At the bottom of the form, there are buttons for Add, Edit, Save, Cancel, Delete, and RecordUnlock.

Standardized
SEXUAL
ASSAULT
FORENSIC
EVIDENCE
Collection Kit

CALIFORNIA
SEXUAL ASSAULT FORENSIC EVIDENCE (SAFE)
COLLECTION KIT
FORENSIC MEDICAL EXAMINATION
☐ VAWA

EXAMINER: Select and complete the appropriate State of California Governor's Office of Emergency Services (OES) form for collection of evidence:
☐ 2-923 Acute Adult/Adolescent Sexual Assault Examination
☐ 2-924 VAWA Adult/Adolescent Sexual Abuse Examination
☐ 2-930 Acute Child/Adolescent Sexual Abuse Examination
☐ 2-950 Forensic Medical Report: Sexual Assault Suspect Examination
After collection, return containers with enclosed materials to this envelope. Secure with enclosed evidence seal. Obtain separate packaging for the collection of the Toxicology Specimens and Outer Clothing.

Name: (Please Print) _____
Date of Birth: _____
Check appropriate box: ☐ Victim ☐ Suspect
Date of Exam: _____
Collected By: _____
Collection Facility: _____
(gender at birth)
☐ Male ☐ Female

CRIME LAB - Check the box below regarding storage:
☐ Frozen Storage
☐ Temperature Controlled Storage

For Crime Lab Evidence Control Label

KIT NUMBER
↓

SAE006419

EVIDENCE (SAFE)
KIT
AMINATION

Governor's Office of Emergency Services

All sworn personnel are strongly encouraged to click on the below listed links and read them in their entirety.

[680.2\(a\) PC - Sexual Assault Victims' Rights](#)

[Assembly Bill - 1312 Sexual Assault Victims Rights](#)

If you have any questions regarding the information contained in this Newsletter, please contact Special Victims Bureau at [REDACTED TEXT] or after hours, contact Sheriff's Information Bureau, at (213) 229-1850.

REFERENCES

[680.2\(a\) PC - Sexual Assault Victims' Rights](#)

[Assembly Bill - 1312 Sexual Assault Victims: Rights](#)

[5-09/350.00 - Policy and Procedure for Sex Related Crimes](#)

[5-09/350.05 - Responsibilities of Station/Unit Personnel and Special Victims Bureau Personnel on Rape and Sexual Assault Cases](#)

[2-05/060.00 - Special Victims Bureau](#)

[5-04/160.20 - Submission of Sexual Assault Kits to Scientific Services Bureau](#)

[5-04/010.20 - Items Requiring Special Handling](#)
