

OFFICE OF THE CHIEF OF POLICE

NOTICE

1.14

December 28, 2022

TO: All Department Personnel

FROM: Chief of Police

SUBJECT: DOMESTIC VIOLENCE/VICTIM INFORMATION NOTIFICATION EVERYDAY PAMPHLET, FORM 15.42.01 - REVISED; AND, SEXUAL ASSAULT VICTIMS RIGHTS CARD, FORM 15.42.02 - REVISED

California Senate Bill (SB) 916 was signed into law on September 28, 2022. Senate Bill 916 amends Penal Code Section 680.2, adding additional information to be provided to victims of domestic violence and sexual assault. This information includes a sexual assault victim's right to access the Department of Justice's SAFE-T database portal for information on their forensic evidence kit, testing and DNA. Additionally, a victim of sexual assault or domestic violence shall be advised in writing that they cannot be imprisoned, otherwise confined, or placed in custody for contempt if the contempt consists of refusing to testify concerning the crime. The Domestic Violence/Victim Information Notification Everyday Pamphlet, Form 15.42.01, and Sexual Assault Victims Rights Card, Form 15.42.02, have been revised to provide this information.

FORM AVAILABILITY: The Domestic Violence/Victim Information Notification Everyday Pamphlet, Form 15.42.01, and Sexual Assault Victims Rights Card, Form 15.42.02 are attached for immediate use and duplication. In addition, these forms are available in E-Forms on the Department's Local Area Network. All other versions of these forms shall be marked "obsolete" and placed in the divisional recycling bin.

Any questions regarding this Notice may be directed to the Office of Constitutional Policing and Policy, at (213) 486-8730.



MICHEL R. MOORE
Chief of Police

Attachments

DISTRIBUTION "D"

CRIMINAL PROCEEDINGS

Domestic violence involves verbal, emotional and financial abuse as well as physical and sexual abuse. Not all domestic violence conduct is a crime. However, physical violence, including hitting, kicking, pushing, strangling, scratching and forced sex is a crime. Certain threats, harassing calls and text messages and violations of restraining orders are also crimes. You do not have to determine whether or not abusive conduct directed at you is a crime. If you are being harmed, or you feel like you or anyone else may be harmed, or someone has threatened to hurt you or someone close to you, call the police.

When the police respond to the scene of a domestic violence crime or you go to the police station to report a domestic violence crime, the officer will attempt to interview all persons involved and all witnesses, including the person accused of domestic violence. The information the police collect will be written down in a police report and sent to a prosecutor's office to determine if there is enough admissible evidence to file a criminal case. Felony cases are handled by the District Attorney's Office and misdemeanor cases are handled by the City Attorney's Office.

Tell the police about prior domestic violence incidents and firearms that the abuser owns or has access to. After you have spoken to the police, tell them if the abuser makes threats, is violent or violates a restraining or protective order.

You can contact the police station where you made the report to obtain information about the case. After a case is filed, you can contact the prosecutor's office to obtain information about the case.

A court may not imprison or otherwise confine or place in custody a victim of sexual assault or domestic violence for contempt if the contempt consists of refusing to testify concerning the crime.

EVEN IF AN ARREST IS MADE OR THE ABUSER IS IN CUSTODY, HE/SHE MAY BE RELEASED FROM CUSTODY AT ANY TIME. USE THE VINE SYSTEM DESCRIBED IN THIS PAMPHLET SO THAT YOU KNOW WHEN THE ABUSER IS RELEASED OR MOVED.

STRANGULATION/ESTRANGULACION

Strangulation is serious and can cause internal injuries, brain damage and/or delayed health consequences such as strokes, thyroid issues, miscarriage and/or death. Research shows that if you are strangled even one time, you are 75% more likely to be killed by your partner. We strongly encourage you to seek immediate medical attention at an emergency department and ask for support from an advocate.

Estrangulación es serio y puede causar lesiones internos, daño cerebral, y/o consecuencias retrasadas (tal como infartos, problemas de tiroides, abortos y/o muerte). Los estudios muestran que si usted es estrangulado incluso una vez, tiene un 75% más de probabilidad de ser asesinado por su pareja. Le recomendamos que busque atención médica inmediata en una sala de emergencias y obtenga ayuda de un consejero.

SAFETY

- Other ways that may provide safety for you and your family are:
- An Emergency Protective Order (EPO) requested by the Police.
 - A Temporary Restraining Order/Domestic Violence Restraining Order (TRCO/DVRO) granted by a judge in civil court which may prohibit the abuser from calling you, contacting you, living in your home, taking custody of your children or coming near you; and,
 - A Criminal Protective Order (CPO) issued by the judge in a criminal case which may prevent the abuser from calling you, contacting you or coming near you.

SEXUAL ASSAULT VICTIMS

A sexual assault may be by a stranger or a person known to the victim, including a spouse or a partner. A partner may be married, separated or dating; heterosexual, gay, lesbian, or transgender; living together, or apart. Sexual assault is a crime. Victims should notify the police immediately.

A police officer will respond to take a report and collect evidence. Victims should keep all clothing worn during the assault and keep all other evidence such as bed sheets. Officers will transport victims to the hospital for a medical exam to preserve evidence. Victims should not shower or douche before the exam.

ADDITIONAL SAFETY TIPS

- Contact a local domestic violence agency to make a safety plan. Call the National Domestic Violence Hotline to connect to an agency. You can call 24/7 and your call is completely confidential.
- Keep emergency and hotline numbers accessible (or saved on your phone).
- Keep an extra set of house and car keys hidden in a safe, quickly accessible place.
- Keep important documents/items in one place where you can grab them quickly if necessary. This may include identification, passport, money, checkbook, credit cards, medications, legal papers, change of clothing, immigration documents, child custody or other court papers.
- Develop plans with trustworthy friends/family to contact police or provide a temporary safe place to stay.
- Ask the police to assist you in finding a shelter that can house you and your children.
- Be careful not to leave any clues or notes that will let the abuser know where you and your children are going.

Note: If moving to a secret location with a minor child, it is necessary for you to seek the assistance and advice of an advocate at a domestic violence agency and the District Attorney's Child Abduction Unit at (213) 974-5985. **You MUST do this to protect you and your children and to avoid criminal charges being brought against you.**

VINE stands for **Victim Information Notification Everyday**
1-877-411-5588 TTY 1-866-947-1298 vineflink.com

VINE is an automated computer program offered for domestic violence crime victims through the California State Notification Service. The purpose of the VINE program is to provide victims of crime information and notification concerning an inmate's custody status. By calling the VINE number, a victim can determine the custody status of the offender and register to be notified of the release or transfer of the specific inmate.

REGISTRATION

Victims may register for notification by calling the toll-free VINE number or register at vineflink.com. You may call VINE any time, 24 hours a day, to check on an inmate's custody status. **VINE is confidential.** The inmate will not know you are registered with VINE.

1. Call 1-877-411-5588/TTY 1-866-947-1298, or access the website at vineflink.com or download the mobile application.
2. Follow the instructions. You will be asked for the inmate's name or booking number.
3. You will receive immediate information regarding the inmate's status.
4. To register for notification, you will be asked to provide a telephone number and a 4-digit Personal Identification Number (PIN) or a valid e-mail address.

The 4-digit PIN is used by VINE to verify that a successful notification has been made. When a victim receives a call regarding important information, the VINE system will ask for the victim to enter their PIN. **DO NOT** use your PIN. Entering the correct PIN is the only way to stop VINE notification calls. If you forget your PIN, call the toll-free number to reset it. If you change your phone number or e-mail address, you must update your registration by calling the toll-free number.

Please record the following information before calling VINE:

INMATE NAME (correct spelling)
INMATE BOOKING NUMBER (Call police for the number)
YOUR 4-DIGIT PIN

NOTIFICATION

The VINE system monitors inmate activity in the Los Angeles County Jail System. When an inmate is transferred or released, VINE will automatically react to notify the properly registered persons. Do not be startled if you receive a call from VINE in the middle of the night. VINE will begin calling as soon as new information regarding an inmate is received. When a registered person is notified of an offender's transfer to another facility outside Los Angeles County, you must

re-register with VINE to keep the registration current.

Note: A victim SHOULD NOT depend on the VINE system for safety. If threatened, make yourself as safe as possible as though the inmate were already released. If you feel you are in danger, call 911 immediately.

RESTRAINING ORDERS

HOW TO FILE FOR A RESTRAINING ORDER:

You may request a Domestic Violence Temporary Restraining Order (TRTO) against the person who abused you, threatened you, harassed you and/or stalked you. By filing a petition (forms) for it in court. There is no court fee for filing a petition for a TRTO. Some courthouses have clinics that can help you understand the process and help you fill out the petition. You do not need to have a police report in order to file for a TRTO.

Go to the nearest courthouse and ask for the Domestic Violence Clinic. If there is no clinic, obtain the forms for a TRTO from the clerk. Fill them out with as much factual detail as possible.

In your petition for a TRTO, you may request the following:

- Abuser to stay away from you, your children, your home, and your work;
- Abuser to move out of the home;
- Custody and Visitation Orders; and,
- Child Support.

Upon completion of the petition, you will file it with the court. A Judicial Officer will review the petition and make a decision as to your request. If you file before 3:30 P.M. during court hours, you will receive an answer the same day. If the TRTO is granted, it will be in full force and in effect until the hearing for a permanent restraining order, which is approximately three weeks from the filing date.

HOW TO SERVE THE TRTO:

The Sheriff's Department will attempt to serve a domestic violence TRTO for free. Or, you may have anyone over 18 years of age, except any protected person in the TRTO, serve the abuser (Respondent). Service is a very important part of this process. Ask the clerk for an explanation or read the directions carefully.

ON THE DAY OF THE HEARING:

Be on time. If you are late, the case may be dismissed. Bring proof of service. If you have not been able to serve the abuser, ask the court to reissue your TRTO to allow you more time to have the abuser served. If you have minor children with the abuser, review your paperwork for an appointment with the Family Law mediator. This is usually the same day as the hearing, but earlier in the morning. You are not required to be in the mediator's interview room at the same time as the Respondent.

HOTLINE NUMBERS
RAPE CRISIS CENTERS AND
COUNSELORS

A rape crisis center is a community organization offering support and information to victims of sexual violence. The rape crisis center will connect you with a counselor who is available 24 hours a day. These are the rape crisis centers in the greater Los Angeles area:

EAST LOS ANGELES WOMEN'S CENTER
(800) 585-6231
<http://elawc.org>

PEACE OVER VIOLENCE
(213) 626-3393, (310) 392-8381, (626) 793-3385
<https://www.peaceoverviolence.org>

RAPE TREATMENT CENTER
SANTA MONICA
(424) 259-7208
<https://www.uclahhealth.org/santa-monica/rape-treatment>

YWCA-GREAT LA CRISIS HOTLINE
(24 HOUR)
(877) 943-5778
<https://ywcagla.org>

STRENGTH UNITED-VALLEY TRAUMA
CENTER
(818) 886-0453
<https://www.csun.edu/eisner-education/strength-unity>

Call the National Sexual Assault Hotline to find a rape crisis center near you:

1 (800) 656-HOPE (4673)

Incident Number:

Investigative Division:

Phone:

INTERPRETER SERVICES

- Spanish
- Chinese (Mandarin)
- Tagalog
- Korean
- Vietnamese

If you speak another language, a translator may be available for better communication and understanding.

Español
官话
Tagalog
한국어
Tiếng Việt

**YOUR
RIGHTS
AS A
VICTIM
OF
SEXUAL
ASSAULT**



Our main concern is your SAFETY.
(877) ASK-LAPD
(877) 275-5273

RIGHTS AS A SEXUAL ASSAULT VICTIM

This pamphlet explains your rights as victim of sexual assault. Even if you decide not to participate in the criminal justice system, file a police report or have a medical exam to collect evidence of the assault, you will still have these rights.

A court may not imprison or otherwise confine or place in custody a victim of sexual assault or domestic violence for contempt if the contempt consists of refusing to testify concerning the crime.

SUPPORT AVAILABLE FOR YOU

You have the right to have a sexual assault counselor and at least one more person of your choosing, to provide you support during:

- 1) The initial medical evidentiary exam;
- 2) The physical exam; and,
- 3) The investigative interview with law enforcement, prosecutors, defense attorneys, and/or their agents about the assault.

FINANCIAL HELP

You may be able to get financial help for medical and other costs associated with the sexual assault through compensation funds from the following:

- The California Victim Compensation Board at <http://www.victims.ca.gov>, or call 1-800-777-9229;
- The Bureau of Victim's Services, Los Angeles District Attorney's Office, at <http://www.dalacounty.gov/victims>, or call 1-800-380-3811; or,
- The Federal Office for Victims of Crime at <https://ovc.ncjrs.gov>.

PENAL CODE 680.2

TESTING SEXUAL ASSAULT KITS

DNA evidence degrades over time. A timely response to a Sexual Assault Response Team (SART) facility to collect DNA evidence can increase the possibility to identify and prosecute an offender. Once your sexual assault evidence kit is in custody, the evidence will be processed for analysis and completed within two years from the date of the offense. The status of your Sexual Assault Evidence Kit (SAEK) can be provided to you by the investigating officer or their detective supervisor. Law enforcement may provide you with information regarding whether a DNA profile was obtained, uploaded, and/or matched. *A sexual assault victim has the right to access the Department of Justice's SAFE-T database portal involving their forensic evidence kit, information on testing, and DNA.*

The Los Angeles Police Department will keep the sexual assault forensic evidence for an unsolved case for at least 20 years, or if you were under 18 years of age at the time of the alleged offense, the forensic evidence will be kept at least until the victim's 40th birthday.

Rape and sexual violence can come in many forms. Rape or sexual assault can happen any time you are forced to have sex (including vaginal anal, or oral) or have unwanted sexual contact of any kind (including touching). It can happen even when you know or have a relationship with the offender.

SERVICES AVAILABLE TO YOU

Depending on your circumstances, different types of law enforcement resources may be available to you, including:

- A Domestic Violence Restraining Order or a Temporary Restraining Order (TRO), which orders a household member, close relative, or other person, to stay away from you, is available through the court system.
- An Emergency Protective Order, which can be requested through the LAPD can order the perpetrator to stay away from you for up to seven days.
- A Criminal Protective or Stay-Away Order, which orders the defendant in a criminal case to stay away from you, is available through the court system.

To request a protective order, please access:
<http://www.courts.ca.gov>.