

## CHIEF OF DETECTIVES

### **NOTICE** 8.6

October 2, 2018

**TO:** All Concerned Personnel

**FROM:** Chief of Detectives

**SUBJECT:** IMPLEMENTATION OF THE SEXUAL ASSAULT VICTIM'S RIGHTS CARD (PENAL CODE 680.2 PROCEDURES)

Assembly Bill (AB)1312, Sexual Assault Victims: Rights, includes procedural changes to sexual assault crime response by law enforcement, as well as changes and additions in procedures by medical providers and prosecutors. On October 12, 2017, AB 1312 was signed into law amending Penal Code Section 680, by adding subsection 680.2.

This Notice applies to Penal Code Section 680.2, stating that law enforcement will provide sexual assault victims with a card informing them of their rights as victims of a sexual assault crime.

### **PROCEDURES**

#### **I. OFFICERS' RESPONSIBILITIES:**

Officers completing any Sexual Assault Crime Investigative Report (IR) or combined crime/arrest report will ensure that a LAPD 680.2 PC Card was provided to the victim of the sexual assault. Officers shall document if the card was provided to the victim by officers, or by other means, such as the medical provider.

Officers shall document that the victim of a sexual assault was provided with the 680.2 PC Card by checking the "680.2 PC Card Provided" box, as listed on the Request for Confidentiality of Information report, LAPD Form 3.02.00, or by documenting the information in the "Additional" heading of any crime/arrest report.

#### **II. WATCH COMMANDERS' RESPONSIBILITIES:**

When reviewing any crime or arrest report related to a sexual assault, watch commanders shall ensure that the reporting officer(s) made the proper documentation that the 680.2 PC Card was provided to the victim of the sexual assault.

If the 680.2 PC Card was not provided to the victim, the watch commander will ensure one is provided by mail, e-mail, or fax and ensure that proper documentation is completed on the Request for Confidentiality of Information, Form 3.02.00, or in the "Additional" heading of any crime or arrest report.

**III. AREA AND SPECIALIZED DETECTIVES' RESPONSIBILITIES:**

Area and specialized detectives will verify that if a 680.2 PC Card was not provided to the victim during the initial contact, one is provided during the follow up investigation and documented on the Follow-up Investigation Report, Form 03.14.00.

**IV. COMMANDING OFFICERS' RESPONSIBILITIES:**

Commanding Officers will ensure that patrol, detective, or administrative personnel provide the 680.2 PC Card to all sexual assault crime victims.

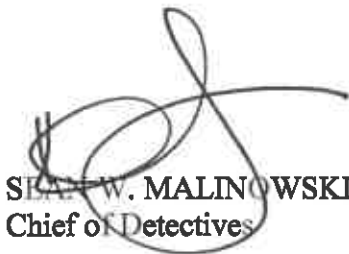
**V. REQUEST FOR CONFIDENTIALITY OF INFORMATION, FORM 03.02.00 - REVISED:**

The Request for Confidentiality of Information, Form 03.02.00, has been revised to reflect a check box indicting "680.2 PC Card Provided." When a victim of a sexual assault crime has been provided with a 680.2 PC Card, the reporting officer, supervisor, or detective will check this box, or document it in the "Additional" heading of the IR/ Arrest Report.

**FORM AVAILABILITY:** The 680.2 PC Card, in both English and in Spanish, is available on the Department's LAPD Forms and at Supply Section, Fiscal Operations Division. The revised Request for Confidentiality of Information Form 03.02.00, is available on the Department's LAN, under *LAPD Forms*.

Old versions of the Request for Confidentiality of Information, Form 03.02.00 that do not contain the "680.2 PC Card Provided" box may be used to document that the 680.2 PC Card was provided to the victim when 680.2 PC documentation is provided in the "Other" box on the Request for Confidentiality of Information, Form 03.02.00, "Additional" heading of the crime or arrest report.

Should you have any questions regarding this notice, please contact Detective Bureau, at (213) 486-7000.



STEVEN W. MALINOWSKI, Deputy Chief  
Chief of Detectives

APPROVED:



BOB GREEN, Deputy Chief  
Chief of Staff  
Office of the Chief of Police

Attachments

DISTRIBUTION "B"

# Request for Confidentiality of Information

\* CONTROLLED DOCUMENT \*

DATE	TYPE OF CRIME	INC. NO.	DR NO.
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Law enforcement authorities are required by law to release certain information on crime reports upon request, as a matter of public record. If someone asks for information on this crime report, your name will be released with the information unless you request that your name be kept confidential pursuant to Section 8254 of the Government Code. Offenses defined in Section 8254 of the Government Code include Penal Code Sections 220, 236.1, 261, 261.5, 262, 264, 264.1, 265, 266a-j, 267, 269, 273a, 273d, 273.5, 285, 286, 288, 288a, 288.2, 288.3, 288.5, 288.7, 289, 422.6, 422.7, 422.75, 647.6 and 646.9.

By Initialing the appropriate statement below and signing this form, you are informing law enforcement agencies and the courts of your choice for confidentiality.

(vict. initials) I hereby exercise my right to confidentiality and request that my name not become a matter of public record pursuant to Section 8254 of the Government Code.

(vict. initials) I hereby decline to keep my name confidential.

(ofcr. initials) The victim is a minor without a parent or guardian present. The below signed authorized agent hereby exercises the right of privacy for the minor and requests that the victim's name not become a matter of public record pursuant to Section 8254 of the Government Code. (This authorization should be obtained through the Area Major Assault Crimes coordinator).

I, \_\_\_\_\_, advised victim \_\_\_\_\_ (officer advising) (named below), that his/her name will become a matter of public record unless he/she requests that it be kept confidential.

(vict. or ofcr. initials)

By delaying an interview and not engaging with law enforcement at this time, the following may occur:

- \* An Abbreviated Sexual Assault Forensic Medical Exam collecting only perishable evidence will be performed.
- \* Evidence that would normally be collected by law enforcement will be permanently lost.
- \* Suspects and witnesses will not be interviewed, they may not be identifiable or located, or willing to cooperate at a later time.
- \* It may be more difficult, if at all possible, for a prosecutor to file charges against a suspect.
- \* I may or may not be eligible for California Victim Compensation Funds to pay for out-of-pocket expenses relating to this crime, including counseling, out-of-pocket medical expenses for medical evaluation and treatment, moving expenses and lost wages by not cooperating with law enforcement per State law.

After a Sexual Assault Forensic Medical Exam is performed, law enforcement generally will transport the evidence collected to storage, and law enforcement will store this evidence for 2 years. All evidence collected may be destroyed by law enforcement agencies after 2 years and a 60 day notice will be given to me pursuant to the Sexual Assault Victim Bill of Rights. Law enforcement will need, however, a current address on file. If requested in writing, I will be notified before the evidence kit is destroyed.

V I C T I M	LAST NAME, FIRST, MIDDLE		SEX	DESC	HT	WT	AGE	DOB
	ADDRESS		ZIP CODE		PHONE		EXT	
	R -							
	B -							
	E-MAIL ADDRESS		CELL PHONE					
DR. LIC. NO. (IF NONE, OTHER ID & NO.)		FOREIGN LANGUAGE SPOKEN (IF APPLICABLE)				OCCUPATION		
LOCATION OF OCCURRENCE								
SAME AS VICT'S <input type="checkbox"/> RES. <input type="checkbox"/> BUS. <input type="checkbox"/> R.D.								

SIGNATURE OF VICTIM: \_\_\_\_\_

REPORTING EMPLOYEE(S)	INITIALS, LAST NAME	SERIAL NO.	DIV./DETAIL	SUPERVISOR

- ☐ "Taking Action" booklet provided. ☐ Hate Crime Resource Pamphlet provided. ☐ Other: \_\_\_\_\_
- ☐ Rape Victim Counseling Center notified (264.2 PC) with consent of victim.
- ☐ Victim informed of right to have a victim's advocate and/or support person of his/her choosing. ☐ 680.2 PC Card (Pamphlet) Provided
- Victim's Response: \_\_\_\_\_
- ☐ Victim informed of right to be interviewed by an officer of the same gender.
- Victim's Response: \_\_\_\_\_
- ☐ Domestic Violence Victim Information Notification Everyday (VINE) Pamphlet, Form 15.42.01, provided.

Date/Time victim advised: \_\_\_\_\_ Officer making notifications: \_\_\_\_\_ Serial No.: \_\_\_\_\_

# Request for Confidentiality of Information

## Continuation Sheet

DATE	TYPE OF CRIME	INC. NO.	DR NO.
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LAST NAME, FIRST, MIDDLE	SEX	DESC	HT	WT	AGE	DOB
ADDRESS	ZIP CODE		PHONE		EXT	
R -						
B -						
E-MAIL ADDRESS				CELL PHONE		
DR. LIC. NO. (IF NONE, OTHER ID & NO.)		FOREIGN LANGUAGE SPOKEN (IF APPLICABLE)		OCCUPATION		

LAST NAME, FIRST, MIDDLE	SEX	DESC	HT	WT	AGE	DOB
ADDRESS	ZIP CODE		PHONE		EXT	
R -						
B -						
E-MAIL ADDRESS				CELL PHONE		
DR. LIC. NO. (IF NONE, OTHER ID & NO.)		FOREIGN LANGUAGE SPOKEN (IF APPLICABLE)		OCCUPATION		

LAST NAME, FIRST, MIDDLE	SEX	DESC	HT	WT	AGE	DOB
ADDRESS	ZIP CODE		PHONE		EXT	
R -						
B -						
E-MAIL ADDRESS				CELL PHONE		
DR. LIC. NO. (IF NONE, OTHER ID & NO.)		FOREIGN LANGUAGE SPOKEN (IF APPLICABLE)		OCCUPATION		

LAST NAME, FIRST, MIDDLE	SEX	DESC	HT	WT	AGE	DOB
ADDRESS	ZIP CODE		PHONE		EXT	
R -						
B -						
E-MAIL ADDRESS				CELL PHONE		
DR. LIC. NO. (IF NONE, OTHER ID & NO.)		FOREIGN LANGUAGE SPOKEN (IF APPLICABLE)		OCCUPATION		

LAST NAME, FIRST, MIDDLE	SEX	DESC	HT	WT	AGE	DOB
ADDRESS	ZIP CODE		PHONE		EXT	
R -						
B -						
E-MAIL ADDRESS				CELL PHONE		
DR. LIC. NO. (IF NONE, OTHER ID & NO.)		FOREIGN LANGUAGE SPOKEN (IF APPLICABLE)		OCCUPATION		

INVOLVED PERSON(S): W - WITNESS; R - PERSON REPORTING; P - PARENT; CP - CONTACT PERSON (DOMESTIC VIOLENCE)

## 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 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.uclahealth.org/santa-monica/rape-treatment>

#### YMCA - GREATER 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-united>

Call the National Sexual Assault Hotline to find a rape crisis center near you:  
800 656-HOPE (4673)

Incident Number: \_\_\_\_\_

Investigative Division: \_\_\_\_\_

Phone: \_\_\_\_\_

### INTERPRETER SERVICES

Spanish-	Espanol
Chinese (Mandarin)-	普通话
Tagalog-	Tagalog
Korean-	한국어
Vietnamese-	tiếng việt

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

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

## **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 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.da.lacounty.gov/victims>, or call 1-800 380-3811, as well as the Federal Office for Victims of Crime at <https://ovc.ncjrs.gov>.

If a criminal trial occurs, the court may order the convicted person to pay restitution to you. See your investigating officer or District Attorney's Office for assistance.

## **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 2 years. 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.

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 access  
<http://www.courts.ca.gov>