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17-114
5/9/17

"Sexual Assault Victims' DNA Bill of Rights," Information and Notification to Victims Card SFPD Form 540 (Re-issue DB 11-072)

Members are advised of a Sexual Assault Victim's DNA Bill of Rights Card, SFPD 540 (Rev. 04/17), created to inform sexual assault victims of their right to receive specific information regarding their case.

California Penal Code section 680(c)(1) states in part, "Upon the request of a sexual assault victim, the law enforcement agency investigating a violation of Section 261, 261.5, 262, 286, 288a, or 289 may inform the victim of the status of the DNA testing of the rape kit evidence or other crime scene evidence from the victim's case." Penal Code 680 further states that sexual assault victims have the following:

- The right to be informed whether or not a DNA profile of the assailant was obtained from the testing of the rape kit evidence or other crime scene evidence from their case.
- The right to be informed whether or not the DNA profile of the assailant developed from the rape kit evidence or other crime scene evidence has been entered into the Department of Justice Data Bank of case evidence.
- The right to be informed whether or not there is a match between the DNA profile of the assailant developed from the rape kit evidence or other crime scene evidence and a DNA profile contained in the Department of Justice Convicted Offender DNA Data Base, provided that disclosure would not impede or compromise an ongoing investigation.
- This subdivision is intended to encourage law enforcement agencies to notify victims of information which is in their possession.

The front side of the SFPD 540 card gives an abridged version of California Penal Code 680 as it relates to sexual assault victims' bill of rights. The reverse side of the card explains the victim's right to DNA result information related to their case.

To facilitate the dissemination of this information to sexual assault victims, members shall provide sexual assault victims with the Sexual Assault Victims' DNA Bill of Rights card. The SFPD 540 card shall be issued to sexual assault victims by the initial investigating patrol officer. This form shall be given to victims and/or victim's designee in addition to other forms to be provided in such cases. **Forms provided to the victim should be noted in the narrative of the incident report.**

The Sexual Assault Victims' DNA Bill of Rights card has been translated into five different languages: Chinese, Russian, Spanish, Tagalog, and Vietnamese. All versions of the card are now available for pickup at the print shop located in the basement of HOJ or ordered with your supplies order.

Members may also access the Sexual Assault Victims' DNA Bill of Rights card via the SFPD Intranet site, as well as in the "SFPD Forms" folder icon on computer desktops.


WILLIAM SCOTT
Chief of Police

Per DB 17-080, sworn members and PSA's are required to electronically acknowledge this Department Bulletin in HRMS.



**SEXUAL ASSAULT VICTIM'S
DNA BILL OF RIGHTS
PENAL CODE 680**

DNA and forensic identification analysis is a powerful law enforcement tool for identifying and prosecuting sexual assault offenders.

1. Victims of sexual assaults have a strong interest in the investigation and prosecution of their cases.
2. Law enforcement agencies have an obligation to victims of sexual assaults in the proper handling, retention and timely DNA testing of rape kit evidence or other crime scene evidence and to be responsive to victims concerning the developments of forensic testing and the investigation of their cases.

The Department of Justice's Cal-DNA databank and the Combined DNA Index System (CODIS) makes it possible for many sexual assault perpetrators to be identified after their first offense, provided that rape kit evidence is analyzed in a timely manner.

3. The crime lab should process the sexual assault forensic evidence, create DNA profiles when able, and upload qualifying DNA profiles into CODIS as soon as practically possible, but no later than 120 days after initially receiving the evidence.
4. Upon the request of a sexual assault victim the investigating agency may inform the victim of the status of the DNA testing of the evidence. The investigating agency may respond to the victim's request with either an oral or written communication, or by electronic mail, if available.

SEXUAL ASSAULT VICTIM'S DNA RIGHTS

- The right to be informed whether or not a DNA profile of the assailant was obtained from the testing of the rape kit evidence or other crime scene evidence from their case.
- The right to be informed whether or not the DNA profile of the assailant was entered into the Department of Justice Data Bank.
- The right to be informed whether or not there is a match between the DNA profile of the assailant developed.
- A sexual assault victim may designate a sexual assault victim advocate, or other support person of the victim's choosing, to act as a recipient of the above information required to be provided by this section.
- It is the intent of the Legislature that a law enforcement agency responsible for providing information concerning the sexual assault investigation do so in a timely manner upon request of the victim or the victim's designee.

OFFICER/INSPECTOR

NAME STAR

INCIDENT# _____

For further information regarding the Sexual Assault Victim's DNA Bill of Rights, please contact the San Francisco Police Department (SFPD), Sexual Assault Unit at (415) 553-9225.