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**Assembly Bill No. 1312: Sexual Assault Victims Rights**

The purpose of this bulletin is to inform members of the new laws imposed by Assembly Bill No. 1312, enacted on October 12, 2017. Under this statute, officers shall provide victims with the "Your Rights as a Survivor of Sexual Assault" card, outlining their rights.

The "Your Rights as a Survivor of Sexual Assault" card will replace the *Sexual Assault Victim's DNA Bill of Rights* card (SFPD 540). Members shall immediately begin use of the new card listing the victim's rights attached to this bulletin and recycle any Sexual Assault Victim's DNA Bill of Rights card (SFPD 540). **Any forms/cards provided to the victim should be noted in the narrative of the incident report.**

The card will be translated into Spanish, Chinese, Tagalog, Vietnamese and Russian. Cards are available through Supplies, on the Intranet under Bulletin Board and located within SFPD forms.

Officers shall immediately notify the local rape victim counseling center whenever a victim of an alleged violation of Section 261, 261.5, 262, 286, 288a or 289 is transported to the hospital for any medical evidentiary or physical examination.

Officers are prohibited from discouraging a victim from receiving a medical examination.

**Notable Changes in AB 1312:  
(Old laws are still in effect in addition to the new laws.)**

**OLD**

1) Victims have the right to have a victim advocate and support person of victim's choosing at any interview by law enforcement, district attorney or defense attorney (must be notified before commencing initial interview of this right).

**NEW**

1) -Law enforcement or district attorney must notify the victim of their right to request a person of the same or opposite gender to be present in the room during any interview with law enforcement or district attorney unless no such person is reasonably available.

-Prohibits law enforcement from discouraging victim from receiving medical evidentiary physical exam.

-Requires law enforcement to create a card that explains the rights of sexual

**OLD**

**NEW (continued)**

	<p>assault victims to be given out upon initial contact with the victim. The rights include the following:</p> <ul style="list-style-type: none"> <li>• Victim is not required to participate in the criminal justice system or receive a medical evidentiary or physical examination in order to retain his or her right under the law.</li> <li>• Requires law enforcement upon written request by the victim to furnish a copy of the initial crime report related to sexual assaults.</li> <li>• Prosecutor upon written request by the victim to provide defendant's information on a sex registry if any to the victim.</li> <li>• Victim's waiver of right to an advocate is not admissible in court unless at issue in pending litigation.</li> </ul>
<p>2) Access to postcoital contraception by physician of healthcare provider upon request of victim.</p>	<p>2) Postcoital contraception provided at no cost to victim.</p>
<p>3) Law enforcement assigned to alleged violation of specified domestic Violence or sexual assault crimes to provide victim with "Victims of Domestic Violence" card as specified. Medical provider to notify a sexual assault victim that he/she has a right to a sexual assault counselor and at least one other support person of victim's choosing before beginning initial medical evidentiary or physical exam.</p>	<p>3) -Law enforcement assigned to alleged violations of specified domestic violence or sexual assault crimes to also provide victim with card "Right of Sexual Assault Victims" if applicable.</p> <p>-Medical provider to give same card before commencement of any initial medical evidentiary or physical exam arising out of a sexual assault if law enforcement has provided the card to the medical provider in a language understood by the victim.</p>

**OLD**

**NEW (continued)**

	-Medical provider to give victims the opportunity to shower or bathe at no cost to the victim after exam unless not available.
4) Law enforcement agency intending to destroy or dispose of rape kit evidence or other crime scene evidence from unsolved sexual assault before expiration of statute of limitation, needs to be given written notification to the victim of that intention.	4) Prohibits law enforcement from destroying or disposing of rape kit evidence or other crime scene evidence from unsolved sexual assault cases before at least 20 years or if victim is under 18 years of age at time of the alleged offense before victim's 40 <sup>th</sup> birthday. Reimbursements to local agencies for state mandated provisions.

Refer to [Assembly Bill No. 1312](#) for a more complete explanation of sexual assault victim's rights.

  
WILLIAM SCOTT  
Chief of Police

*Per DB 17-080, both sworn and non-sworn members are required to electronically acknowledge receipt and review of this Department Bulletin in HRMS.*

You have the right to seek:

**CIVIL PROTECTION ORDER**

More information on the process here:  
<http://www.courts.ca.gov/1260.htm>

and/or an

**EMERGENCY PROTECTIVE ORDER**

To help keep you safe.  
(ask a law enforcement officer)

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You have the right to request  
**FINANCIAL ASSISTANCE**

For covering the costs arising from your assault (through Victim Compensation in California), and the process for applying can be found here:

<http://victims.ca.gov/victims/howtoapply.aspx>

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You have the right to have a  
**24-HOUR CONFIDENTIAL  
SEXUAL ASSAULT COUNSELOR**  
(victim advocate)

and at least

**ONE OTHER PERSON  
OF YOUR CHOOSING**  
present during any exam  
or investigative interview

Any questions related to your rights as a survivor of sexual assault can be answered by your rape crisis center confidential advocate.

Advocates are trained in support services, local referrals, and law enforcement and other government processes.



You have the right to contact  
your local rape crisis center, at:

**S.F. Women Against Rape**  
3543 18th St. #7  
415-861-2024  
415-647-7273 (24HR. Crisis Line)

For more information and support.  
Rape crisis centers have confidential  
advocates that keep conversations **private**.

Law Enforcement  Medical Provider   
can be contacted at:

**San Francisco Police Department**  
Special Victims Unit  
850 Bryant St. Rm 500  
415-553-9225

# YOUR RIGHTS

Your Rights as a Survivor  
of Sexual Assault

**CALCASA**  
CALIFORNIA COALITION  
AGAINST SEXUAL ASSAULT

You are **never required** to participate in the criminal justice system or receive a physical exam in order to keep your rights.

You get to choose whether you get an exam, whether and how you report the assault, and how much you participate in the process.

You have the right to contact your local rape crisis center, at:

S.F. Women Against Rape  
3543 18th St. #7  
415-861-2024  
415-647-7273 (24HR. Crisis Line)

For more information and support. Rape crisis centers have confidential advocates that keep conversations **private**.

This card is an outline of your rights and resources and may not include all the rights/options that may be available to you. Under California law (Cal. Penal Code § 680.2) any law enforcement officer or medical provider must provide you with a card that clearly spells out your rights. If you have further questions, please contact your rape crisis center, medical provider, and/or law enforcement officer.

You have the right to ask for the status and results of the analysis of **all evidence** related to your assault.

Ask the law enforcement officer for a **tracking number** and steps to get follow up information.

You have the right to know that DNA and other types of evidence can degrade/break down overtime due to exposure to heat, water, and other materials.

In general, DNA evidence on the body last from 12 hours to 7 days.

You have the right to be informed of the following:

- Whether or not the evidence is analyzed within 120 days of your assault.
- Whether or not a DNA profile of your assailant was developed from the evidence.
- Whether or not the DNA profile of your assailant has been entered into the law enforcement database.
- Whether or not the DNA profile of your assailant matches a DNA profile contained in the law enforcement database.

If the evidence related to your assault will be tested, it should be transported to the lab and analyzed within

**120 DAYS**

The evidence related to your assault must be kept for  
**20 YEARS,**  
or for victims under age 18 at the time of the offense, until your  
**40TH BIRTHDAY**

You have the right to request in writing and receive a

**FREE COPY OF THE  
INITIAL CRIME REPORT**  
related to your assault.

If your assailant is convicted and required to register as a sex offender, you have the right to  
**REQUEST THEIR SEX OFFENDER  
REGISTRY INFORMATION**  
from the prosecutor.