

San Diego Police Department

TRAINING BULLETIN

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SEXUAL ASSAULT EVIDENCE KIT TESTING (Commonly known as SART Kits) – Penal Code 680

I. BACKGROUND

Senate Bill 22 was approved by the Governor on October 8, 2019, and became effective on January 1, 2020. The bill modifies Penal Code sections 680, 680.3 and 13823.14, known in California as the “Sexual Assault Victims’ DNA Bill of Rights.”

This legislation requires law enforcement agencies to submit sexual assault forensic evidence to crime labs within certain timeframes and crime labs to process this forensic evidence within certain timeframes.

Penal Code section 680(c) requires:

(1) A law enforcement agency in whose jurisdiction a sex offense specified in sections 261, 261.5, 262, 286, 287, 289 or former Section 288a occurred **shall do one of the following** for any sexual assault forensic evidence received by the law enforcement agency on or after January 1, 2016:

(A) Submit sexual assault forensic evidence to the crime lab ***within 20 days*** after it is booked into evidence.

(B) Ensure that a rapid turnaround DNA program is in place to submit forensic evidence collected from the victim of a sexual assault directly from the medical facility where the victim is examined to the crime lab ***within five days*** after the evidence is obtained from the victim.

(2) The crime lab **shall do one of the following** for any sexual assault forensic evidence received by the crime lab on or after January 1, 2016:

(A) Process 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.

(B) Transmit the sexual assault forensic evidence to another crime lab as soon as practically possible, but ***no later than 30 days*** after initially receiving the evidence, for processing of the evidence for the presence of DNA. If a DNA profile is created, the transmitting crime lab shall upload the profile into CODIS as soon as practically possible, but ***no longer than 30 days*** after being notified about the presence of DNA. (Emphasis added).

II. Proactive testing of victim sexual assault kits (SART KITS)

Starting January 1, 2020, all victim sexual assault kits impounded into the SDPD Property and Evidence Room will be proactively tested by the Forensic Biology Unit.

In respect to the handling of all SART kits, the following procedures shall be followed:

A. Impounding of SART kits

1. In order to ensure that the correct information is placed into the SARTonQ Tracking database, the *SART Evidence Collection/EOQ Entry Worksheet* (F:\Templates\ Property Unit\ SART Evidence Collection Worksheet) shall be filled out and signed by the impounding officer or investigator. This form, along with the SART kit, shall be given to a property and evidence specialist in the property room.
2. If an officer or investigator needs to impound the kit after hours, the kit along with the completed and signed worksheet shall be placed into a locker in the property room. The following workday, a property and evidence specialist will enter the SART kit into the SARTonQ database.
3. The property and evidence specialist will place the victim SART kit into a designated box for crime laboratory check-out.

B. Tracking of SART kits

SART kits collected on or after January 1, 2018, are entered into a separate database in EvidenceOnQ called SARTonQ. The purpose of this database is to

track all collected SART kits and associated case information. The SARTonQ tracking database is separate from the EvidenceOnQ database, and only personnel who routinely work with sexual assault cases within SDPD will have access to this database. Access to this database is managed by the Crime Laboratory.

1. All newly collected SART kits shall be first entered into the SARTonQ database by a nurse from Palomar Hospital, Crime Scene Specialists or the property and evidence specialist only.
 - a. Investigators assigned to a case with a SART kit shall fill out the required fields in the SARTonQ database as soon as possible. This information is critical to timely evidence processing.
2. Once the kit information has been entered into the SARTonQ database, the database will generate a barcode number for the kit and automatically transmit that information back into the EvidenceOnQ database.
3. SART kits shall NOT be entered into the EvidenceOnQ database by officers or investigators.

C. Forensic testing requests

SARTonQ is for the tracking of SART kits only. All other items of evidence collected during the investigation are to be entered as usual by the officer or investigator into EvidenceOnQ. This may include, but is not limited to: clothing, reference samples, other physiological samples such as blood and urine, and bedding.

1. A LabLynx request does NOT need to be submitted for **victim** SART kits.
2. A LabLynx request DOES need to be submitted by the investigator for any additional evidence items (e.g., suspect SART kits, clothing, bedding) or for follow-up work.
 - a. If the crime case did not result in the collection of a SART kit, but there was any other sexual assault forensic evidence collected, a representative sample item **SHALL** be submitted to the crime laboratory *within 20 days* of it being booked into evidence in an effort to detect the foreign DNA of the perpetrator.
3. Investigators shall completely fill out the *DNA Profile Expungement Form* (F:\Templates\Investigative Reports\DNA Profile Expungement Form) and send it to (**Deleted – records of security**) as soon as they determine no crime has been committed or the CODIS hit was a consensual partner.

Any questions please contact (**Deleted – records of security**) .

Department Procedure 3.02 will be updated to include segments of this Training Bulletin.