

MOTION BY SUPERVISORS KATHRYN BARGER AND
SHEILA KUEHL

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Domestic Violence Examinations

As we acknowledge Domestic Violence Awareness Month, it is important to bring forward issues that can assist survivors. Across the nation there has been rising trends in family violence cases. Family Violence is commonly referred to as “domestic violence”, which is defined in California Family Code 6211 as abuse perpetrated against any of the following persons: a spouse or former spouse, a cohabitant or former cohabitant, a person with whom the respondent is/has had a dating relationship, a person with whom the respondent has had a child, a child of a party or a child, subject to the Uniform Parentage Act, or any person related by consanguinity or affinity within the second degree (this includes brothers, sisters, grandparents among others).

The term domestic violence is commonly thought to refer only to crimes involving women battered by males. However, the crimes relating to “family violence” in California are broader and include among others; child abuse, elder abuse, stalking and violation of domestic violence protective orders.

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BARGER	_____
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While there are some differences in the understanding of domestic or family violence in its broadest terms or how an agency defines domestic violence, it is clearly depicted through Los Angeles County Sheriff's Department (LASD) statistics of crime reporting, arrests, homicides, etc. that there is an increasing need to better serve victims.

According to the Bureau of Justice Statistics, domestic violence is underreported by up to 45% nationwide. Within the state of California, more than 100,000 arrests are made annually for domestic violence charges. Locally, the Los Angeles County District Attorney's office sees an average of 11,000 domestic violence cases per year, roughly 200 cases each week. The County of Los Angeles serves these victims by offering: shelter, counseling, legal and health services, but there are significant barriers in the initial step of completing a hospital exam. Under current law, hospitals are only reimbursed for the forensic medical-legal examinations of sexual assault victims, penal code 13823.95 and not for family violence victims.

There is a high need for family violence victims (i.e. domestic violence, child abuse, and elder abuse) to receive forensic exams soon after the crime occurred. These voluntary exams are crucial for the collection of forensic evidence in order to prosecute the offender(s). Many family violence victims do not receive immediate forensic examinations to assess the extent of the abuse since forensic exam fees for family violence are not covered by law, these costs become barriers to service providers.

Family Violence Victims have typically not received the same level of evidence collection as victims of sexual assault. New developments in technology, such as Touch DNA and advanced software imaging, now allows forensic nurses conducting the forensic exam the ability to collect the suspect's skin cells in cases involved with strangulation by swabbing the victim's neck, along with fingernail scrapings. In addition, advances in technology such as Secured Digital Forensic Imaging Camera System allows the forensic nurse to take photos and see bruising not visible to the naked eye.

Forensic medical-legal exams are not always requested by law enforcement; thus, many hospitals do not conduct these crucial exams due to the associated costs which the hospital would have to absorb. However, when forensic medical-legal examinations are conducted by hospitals, the findings are often utilized by law enforcement officials. As service numbers continue to rise, it is crucial that these exams and subsequent reports be made more readily available to victims and law enforcement.

WE, THEREFORE, MOVE that the Board of Supervisors direct the Department of Public Health and the Chief Executive Officer, in coordination with the Department of Health Services, the Sheriff Department, the District Attorney, and other County departments as needed, to report back to the Board in 120 days with:

1. An understanding of the nature and extent to which these domestic violence exams are being done currently;
2. Recommendations on how to increase the availability of voluntary family violence exams including how to provide family violence exams using trauma informed practices while prioritizing safety and confidentiality for survivors;

3. A landscape analysis of best or promising practices that have been implemented in other jurisdictions, including input from family violence survivors and family violence service providers; and
4. A feasibility study for providing family violence forensic exams countywide, including information on any available State or federal funding for family violence exams.

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