

Victim and Witness Assistance

318.1 PURPOSE AND SCOPE

Best Practice MODIFIED

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

318.2 POLICY

Best Practice MODIFIED

The California Department of State Hospitals (DSH) is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of DSH will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

318.3 CRIME VICTIM LIAISON

Best Practice MODIFIED

The Hospital Police Chief may appoint an employee of DSH to serve as the crime victim liaison. The crime victim liaison will be the point of contact for individuals requiring further assistance or information from DSH regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses (2 CCR 649.36).

318.3.1 CRIME VICTIM LIAISON DUTIES

State

The crime victim liaison is specifically tasked with the following:

- (a) Developing and implementing written procedures for notifying and providing forms for filing with the California Victim Compensation Board (CalVCB) to crime victims, their dependents, or family. Access to information or an application for victim compensation shall not be denied based on the victim's or derivative victim's designation as a gang member, associate, or affiliate, or on the person's documentation or immigration status (Government Code § 13962; 2 CCR 649.35; 2 CCR 649.36).
- (b) Responding to inquiries concerning the procedures for filing a claim with CalVCB (2 CCR 649.36).
- (c) Providing copies of crime reports requested by CalVCB or victim witness assistance centers. Disclosure of reports must comply with the Records Maintenance and Release Policy.
- (d) Annually providing CalVCB with the crime victim liaison's contact information (Government Code § 13962).
- (e) Developing in consultation with sexual assault experts a sexual assault victim card explaining the rights of victims under California law (Penal Code § 680.2).

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1. Ensuring that sufficient copies of the rights of sexual assault victim card are provided to each provider of medical evidentiary examinations or physical examinations arising out of sexual assault in the California Department of State Hospitals jurisdiction (Penal Code § 680.2).
- (f) Providing information required by Penal Code § 679.09 of a deceased minor to a parent or guardian of the minor whose death is being investigated.
 1. In cases where the parent or guardian of the deceased minor cannot be located, information required by Penal Code § 679.09 shall be provided to the victim's immediate family, upon their request.
- (g) Providing notification to victims of human trafficking or abuse of their right to have a human trafficking advocate and a support person that the victim chooses present during an interview by the OPS, prosecutor, or the suspect's defense attorney (Penal Code § 236.21).

318.4 CRIME VICTIMS

Best Practice

Officers should provide all victims with the applicable victim information handouts.

Officers should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Officers should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written OPS material or available victim resources.

318.4.1 VICTIMS OF HUMAN TRAFFICKING

State MODIFIED

Officers investigating or receiving a report involving a victim of human trafficking shall inform the victim, or the victim's parent or guardian if the victim is a minor, that upon the request of the victim the names and images of the victim and his/her immediate family members may be withheld from becoming a matter of public record until the conclusion of the investigation or prosecution (Pen. Code § 293).

318.5 VICTIM INFORMATION

State MODIFIED

The Hospital Police Chief or designee shall ensure that victim information handouts are available and current. These should include as appropriate:

- (a) Shelters and other community resources for victims of domestic violence.
- (b) Community resources for victims of sexual assault.
- (c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109; Pen. Code § 13823.95(a)).
- (d) An explanation that victims of sexual assault who seek a medical evidentiary examination shall not be required to participate or agree to participate in the criminal

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- justice system, either prior to the examination or at any other time (Pen. Code § 13823.95(b)).
- (e) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.
 - (f) A clear explanation of relevant court orders and how they can be obtained.
 - (g) Information regarding available compensation for qualifying victims of crime (Gov. Code 13962).
 - (h) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.
 - (i) Notice regarding U Visa and T Visa application processes.
 - (j) Resources available for victims of identity theft.
 - (k) A place for the officer's name, badge number and any applicable case or incident number.
 - (l) The "Victims of Domestic Violence" card containing the names, phone numbers or local county hotlines of local shelters for battered women and rape victim counseling centers within the county and their 24-hour counseling service telephone numbers (Pen. Code § 264.2).
 - (m) The Rights of Sexual Assault Victims Card with the required information as provided in Penal Code § 680.2.
 - (n) Any additional information required by state law (Pen. Code § 13701; Pen. Code § 679.02, § 679.026, 679.04 and 679.05).

318.6 WITNESSES

Best Practice

Officers should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.