

## Victim and Witness Assistance

### 318.1 PURPOSE AND SCOPE

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

The Garden Grove Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The members of the Garden Grove Police Department will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

The department will maintain an updated Resource Directory for Orange County on the GGPD Intranet (Phone Listings) and Communications Center. In addition, employees are provided with a variety of Resource Information Cards that can be used to provide immediate referral services and assistance to the public. Victim/Witness rights are specified in Penal Code 679-680.

IT IS EACH EMPLOYEE'S RESPONSIBILITY TO UNDERSTAND, BE SENSITIVE TO, AND UNDERSTAND THE SPECIAL NEEDS OF VICTIMS, ESPECIALLY THE VICTIMS OF VIOLENT CRIME, AND TO UNDERSTAND THEIR RIGHTS.

### 318.3 CRIME VICTIMS

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 department material or available victim resources.

#### 318.3.1 VICTIMS OF HUMAN TRAFFICKING

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 (Penal Code § 293).

### 318.4 VICTIM INFORMATION

The Administrative Services Bureau Supervisor 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.

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- (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; Penal Code § 13823.95(a)).
- (d) An explanation that victims of sexual assault who seek a standardized medical evidentiary examination shall not be required to participate or agree to participate in the criminal justice system, either prior to the examination or at any other time (Penal 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 (Government 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) Provide a telephone number that the victim/witness may call to report additional information about the case or to receive information about the status of the case. The general information line for Investigations is 741-5800.
- (m) 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 (Penal Code § 264.2).
- (n) The rights of sexual assault victims card with the required information as provided in Penal Code § 680.2.
- (o) Any additional information required by state law (Penal Code § 13701; Penal Code § 679.02; Penal Code § 679.04; Penal Code § 679.05; Penal Code § 679.026).

#### 318.4.1 VICTIM/WITNESS PROGRAMS

The Orange County Victim/Witness Assistance Program provides 24-hour services to crime victims, particularly victims of sexual assault, incidents of domestic violence, and other serious crimes. The Victim/Witness Assistance Program aids police employees who need the assistance of trained intervention counselors when interviewing such victims. The program also assists members of the criminal justice system by contacting the victims/witnesses and helping them prepare for court appearances and to assist them during the follow-up stages of the investigation.

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Victims/Witnesses who have been threatened or who, in the judgment of the officer, express specific, credible reasons for fearing intimidation or further victimization should provide appropriate services or referrals to the person. Appropriate assistance may range from contacting Investigations to determine if placing a victim in protective custody is in order, referring them to appropriate prosecutor's office, or referring them to C.S.P.

#### **318.4.2 NOTIFICATION OF VICTIM/WITNESS ASSISTANCE**

Telephone lists and referral information are available through Communications.

An on-duty Patrol Sergeant or Division Lieutenant should authorize the notification of Community Service Programs (C.S.P. will only respond to #3, all others will be phone referrals) under the following circumstances:

- (a) Death notifications of any type.
- (b) Any death investigation, including homicides and auto accident investigations where there is a need to care for survivors, or other persons affected by the death (s).
- (c) Sexual assaults or attempted sexual assaults, with the victim's approval.
- (d) Cases or incidents where there has been a serious injury and there are relatives, or other persons, affected by the injury.
- (e) Domestic violence cases where injury has occurred or assistance in locating shelter has been requested.
- (f) Criminal acts involving violence, or threats such as aggravated robberies, where there is a possibility that the victim may require assistance to deal with any traumatic after-effects.
- (g) Situations where victims are dispatched from their homes, such as earthquakes, fires, or floods.
- (h) During situations where the City's Emergency Operations Center (E.O.C.) is activated, and there is a need to care for, or otherwise assist citizens.
- (i) Any other situation where C.S.P. or the Boys and Girls Club may be able to provide assistance, either to a victim or to an officer, i.e., juvenile programs, chronic runaways, etc.

#### **318.5 WITNESSES**

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.

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#### **318.6 FOLLOW-UP CONTACTS WITH VICTIMS/WITNESSES**

Additional information that will assist the victim/witness cope with and/or understand services available to them should be completed by the handling officer or CSO, an investigator, or by a designee from the Community Liaison Unit.

The following are examples of follow up assistance:

- Re-contacting the victim/witness periodically to determine whether their needs are being met. Some instances may require above average need for services due to the severity of the incident.
- Explaining to the victims/witnesses the procedures involved in the prosecution of their case and their role in the process.
- Conducting line-ups, additional interviews or other appearances should be performed at their convenience.
- Investigators should attempt to release any property taken from the victim/witness, as evidence, which is not needed for court, is not an evidentiary item, or an item in dispute.
- If available, assigning a victim advocate to the victim/witness during follow up investigation.