



DEPARTMENTAL
GENERAL
ORDER

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State Compensation Program
Victim/Witness Assistance
Victims of Violent Crime Liaison
Officer

VICTIM/WITNESS ASSISTANCE

The purpose of this order is to establish Departmental policy and procedures regarding the rights and privileges of victims and witnesses, and governs how Departmental personnel facilitate the implementation and delivery of services. This order also serves to designate and summarize the Departmental Violent Crime Liaison Officer and summarize eligibility requirements under the State Compensation Program for victims of crime.

I. POLICY

It is the policy of the Oakland Police Department to treat victims and witnesses with fairness, compassion, and dignity. The responsibility of courteous treatment towards victims and witnesses shall be assumed by all Departmental personnel. The Department is committed to the development, implementation, and continuation of appropriate victim/witness assistance programs and activities.

II. ORDER

Administration of Program

- A. The State of California provides funds to the Alameda County District Attorney's Office to operate a unit whose sole purpose is to provide assistance to victims and witnesses of crime. The program is operated in compliance with the requirements set forth in Penal Code section 13835. Implementation and delivery of victim/witness assistance services is the responsibility of the Alameda County District Attorney's Office.
- B. The District Attorney's Office assumes responsibility for a periodic assessment of the effectiveness of the program. Access to the State mandated written evaluation of the Victim/Witness Assistance Program is provided by the District Attorney's Office upon request.

1. Access to assistance may be obtained Monday through Friday, 8:30 AM to 5:00 PM at the District Attorney's Victim/Witness Assistance Division office at 1401 Lakeside Drive, Suite 802, Oakland, CA, 94612 or by calling (510) 272-6180.
2. A voice mail message system is available, through the same telephone number, when the office is closed.
3. Persons who contact the Department regarding victim/witness services shall be referred to the District Attorney's Office.
 - a. The Bureau of Field Operations (BFO) and the Communications Division shall maintain a current list of emergency telephone numbers for personnel assigned to the District Attorney's Victim/Witness Assistance Program.
 - b. Department personnel receiving a call regarding victim/witness assistance when the District Attorney's Office is closed, shall determine if the need for service requires immediate attention. If so, the person receiving the call shall advise his/her supervisor of the nature of assistance needed. The supervisor shall contact the on-call District Attorney Victim/Witness Assistance Program Coordinator, and arrange for the necessary services.
 - c. Victim/witness assistance which is not urgent, but requires prompt attention, shall be expedited by:
 - 1) Forwarding a copy of the report directly to the District Attorney Victim/Witness Assistance Program Office.
 - 2) Faxing a copy of the report to the District Attorney Victim/Witness Assistance Program Office.
 - 3) Contacting a representative of the District Attorney Victim/Witness Assistance Program Office by telephone or leaving a voice mail message.

4. The services provided by the District Attorney's Victim/Witness Assistance Program include at a minimum:
 - a. Crisis intervention: Provide timely and comprehensive responses to the individual needs of victims.
 - b. Emergency assistance: Directly or indirectly providing food, housing, clothing, and when necessary, cash.
 - c. Resource and referral counseling to agencies within the community, which are appropriate to meet the victim's needs.
 - d. Direct counseling for the victim on problems resulting from the crime.
 - e. Assistance in the processing, filing, and verifying of claims filed by victims of crime.
 - f. Assistance in obtaining the return of a victim's property held as evidence.
 - g. Orientation to the criminal justice system.
 - h. Court escort.
 - i. Presentations to, and training for, criminal justice system agencies.
 - j. Public presentations and publicity.
 - k. Monitoring appropriate court cases to keep victims and witnesses apprised of the progress and outcome of their cases.
 - l. Upon the victim's request, notifying friends, relatives and employers of the occurrence of the crime, and the victim's condition.

- m. Upon request of the victim or witness, notifying the employer that the employee was a victim of, or witness to, a crime. Asking the employer to minimize any loss of pay or other benefits which may result because of the crime, or the employee's participation in the criminal justice system.
- n. Upon request of the victim, assist in obtaining restitution for the victim.
- o. Assigning a victim advocate to assist the victim.

III. CONFIDENTIALITY OF VICTIM/WITNESS INFORMATION

The names of victims, witnesses, and other parties to an offense are a matter of public record. However, both the Penal Code and Government Code allow the Department to establish policy protecting the confidentiality and privacy of victims and witnesses.

- A. Government Code Section 6254 allows the Department to prevent the disclosure of information for a wide variety of reasons. This section shall be used by Departmental personnel as legal justification to withhold from the public the release of the names of victims and witnesses under the following circumstances:
 - The offense involves domestic violence
 - Sex offenses
 - The victim/witness is a juvenile
 - The offense is still under investigation
 - The release of the name or personal information of the victim/witness would constitute a safety risk
 - The case is the subject of an on-going court proceeding
 - The offense is otherwise not adjudicated
- B. Penal Code Section 293 requires that law enforcement officers inform a victim of a sex offense(s) that his/her name will become a matter of public record unless he/she requests that it not become a matter of public record. This information is included in the Resource Card.
- C. If the name of a victim, witness, or other party to an offense is released to the public, the address and phone number of the person must be edited out of the document.

IV. COMPENSATION PROGRAM

A. Pursuant to Government Code Section 13968(c), Penal Code Section 13701 and 264.2, the Department's Resource Card for Victims of Violent Crimes Including Domestic Violence and Sexual Assault (TF-869) shall be issued to all victims of violent crimes including domestic violence and sexual assault, "Good Samaritans," and their legal dependents and other family members during the initial contact or as soon as possible. The Resource Card shall contain information on the following:

1. Potential eligibility for reimbursement of certain financial losses. (The District Attorney's Office will assist citizens in determining their eligibility and completing application forms.)
2. The locations of the Victim/Witness Assistance Division of the Alameda County District Attorney's Office.

B. Compensation Eligibility Requirements

1. A victim is eligible to receive State compensation if he/she cooperates with law enforcement agencies and did not participate in the crime.
2. Pursuant to Government Code Section 13960, victims who are injured or killed as a result of a crime of violence, their legal dependents or close relatives who were present during the actual commission of the crime, family members of victims who have incurred emotional injury as a result of the crime, or other persons who voluntarily pay the medical or burial expenses of a deceased victim, are eligible to receive State compensation for certain financial losses.
3. Pursuant to Government Code Section 13970, private citizens who take direct action or who materially assist law enforcement in preventing a crime, apprehending a criminal, or rescuing another citizen endangered by fire, drowning, or other catastrophe are eligible to receive compensation for injuries or property damage.

V. VICTIMS OF VIOLENT CRIME LIAISON OFFICER

- A. The Chief of Police shall designate a Criminal Investigation Division (CID) or Patrol Division-Investigation Unit Commander as the Department's Victims of Violent Crime Liaison Officer.
- B. The Liaison Officer shall ensure that the Department's Resource Card is current and made available to field personnel.
- C. The Liaison Officer shall represent the needs and efforts of the Department in local, county, state, and national forums addressing victim/witness issues.
- D. Assume responsibility to keep abreast of legislative and/or administrative changes and to ensure that Departmental policy and procedures are implemented in accordance with the provisions of State and local law.
- E. Assume responsibility to coordinate the Department's efforts with the District Attorney's Office, if applicable.
- F. Assume responsibility to coordinate, schedule and provide training for Departmental personnel in cooperation with the Training Section and Patrol Division Area Commanders.
- G. Prepare and submit an annual report to CID, Area, and Investigation Unit Commanders regarding victim/witness related activities, as necessary.

VI. FIELD OFFICERS' AND SUPERVISORS' RESPONSIBILITIES

- A. Field officers shall provide all eligible violent crime victims with a Resource Card and document this fact in the appropriate offense report(s). The Resource Card should also be provided to other victims/witnesses as the information contained in it is valuable to anyone who has been involved in reporting a crime. The Resource Card provides the victim/witness with information concerning counseling, medical attention, compensation programs or emergency financial assistance, and victim advocacy. The card also provides the victim/witness with the telephone number that they can call to report additional information about the case or to receive information about the status of the case. Officers should not inform a victim/witness that all cases require a follow-up investigation.

- B. Officers shall advise the victim/witness about what to do in the event the suspect (or suspect's friends or relatives) threatens or otherwise intimidates him/her.
- C. The advisement required by Penal Code Section 293 (See Part III, B of this order) shall be documented in any written report of the incident.
- D. Field officers who have contact with a victim/witness who need further assistance after the initial incident shall advise them to contact the appropriate investigative unit to which the case would be assigned.
- E. Officers shall maintain the confidentiality of victim/witness information in accordance with State law and Departmental policy.
- F. When called upon to do so, officers shall promptly notify next-of-kin of deceased, seriously injured, or seriously ill persons. Whenever possible, assistance should be obtained from:
 - 1. Clergy in accordance with the provisions of Part IV of Departmental General Order B-16, VOLUNTEER POLICE CHAPLAINCY PROGRAM.
 - 2. Relative.
 - 3. Close friend.
- G. Field supervisors shall monitor completed offense reports to ensure compliance with the provisions of Part VI of this order.

VII. INVESTIGATORS' RESPONSIBILITIES

- A. Investigators shall maintain a working knowledge of the various laws pertaining to victims and witnesses of violent crimes. Investigators shall be familiar with established programs within the Department and other allied agencies to assist victims/witnesses. Investigators shall take the time to inform the victim/witness of the availability of advocacy services.
- B. In the case of "Good Samaritans" who are eligible for reimbursement under Government Code Section 13970, the investigator shall include a statement in the follow-up report regarding the level of assistance given by the citizen.

- C. The follow-up investigators shall respond promptly to all victims' inquiries regarding their case status.
- D. The investigator shall inform the victim of the suspect's name and Personal File Number (PFN) if a suspect is apprehended and booked during the course of a follow-up investigation.
- E. Investigators shall maintain the confidentiality of victim/witness information in accordance with State law and Departmental policy.
- F. Investigators shall respond to victims/witnesses who express specific, credible reasons for fearing intimidation or further victimization. This can be accomplished by re-contacting the victim/witness periodically to see if their needs are being met.
- G. Investigators shall make every effort to schedule lineups, interviews, and other required appearances at the convenience of the victim/witness.
- H. Investigators shall explain the procedures involved in the prosecution of their cases and their role in those procedures.
- I. Investigators shall respond to inquiries from the State's Compensation Program and its county counterpart (Victim/Witness Assistance Division of the District Attorney's Office).
- J. Investigators shall make every effort to promptly return victim/witness property taken as evidence as soon as feasible.

VIII. COMMUNICATIONS DIVISION RESPONSIBILITIES

- A. The Resource Card shall be provided to all police communications personnel to enable them to respond to questions from the public regarding the Department's victim/witness assistance program and policies, on a 24-hour a day telephone basis.
- B. When called upon to do so, Police Communications Dispatchers shall promptly dispatch an officer to notify next-of-kin of deceased, seriously injured, or seriously ill persons.

IX. PUBLIC INFORMATION OFFICER RESPONSIBILITY

It is the responsibility of the Department's Public Information Officer to inform the media and the public of the Department's victim/witness assistance service.

X. TRAINING SECTION RESPONSIBILITIES

The Training Section Commander shall include victim compensation training in the Basic Academy curriculum, develop in-service training updates for presentation to patrol officers and investigators, and incorporate annual victim assistance-related training into the Professional Development Academy, Supervisory School, and Leadership Seminar curricula.

By order of

Richard L. Word
Chief of Police