



DEPARTMENTAL REGULATIONS
CONCORD POLICE DEPARTMENT

GENERAL ORDER 32
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Chief of Police

AID TO VICTIMS OF VIOLENT CRIMES

A. POLICY STATEMENT

Providing support for and information to the victims and witnesses of crime is a critical element in solving and prosecuting criminal cases. The State of California operates a Victims of Violent Crime program that provides for monetary compensation to victims in some instances. The Concord Police Department and the Victims of Violent Crime program offer emotional and educational support to victims. The Concord Police Department is committed to the development, implementation and continuation of appropriate victim/witness assistance programs, activities, and is actively involved in supporting victims through such services.

B. GENERAL

1. It is the intent of this General Order to establish guidelines that will ensure that our employees provide the appropriate victim assistance information to the public. Information regarding the Police Department's victim/witness assistance efforts is available to the general public or the media upon request.
2. The State of California has established a Victim/Witness Assistance Fund that, through the Office of Criminal Justice Planning, provides funding to local public and private agencies for the purpose of providing aid to victims of violent crimes. Pursuant to the criteria enumerated in Section 13959 of the Government Code, victims of violent crime may receive benefits for loss of income and medical, rehabilitation or burial costs, if as a result of a crime, the victim was: injured physically or emotionally, legally depended upon the deceased victim for support, or paid medical or burial expenses for the victim.
 - .1 In addition to monetary compensation, victims of violent crime, as defined Section C.1 of this General Order, are also entitled to:
 - .01 Crisis counseling
 - .02 Emergency assistance for immediate needs such as food, shelter, clothing, etc.
 - .03 Resource referrals
 - .04 Translation services
 - .05 Information about the court system
 - .06 Help in coping with the ongoing court process
 - .07 Assisting with notification of other family members about the crime and the victim's status
 - .08 Intervention with employers regarding lost work time or effect of crime on work performance

- .09 Assistance in regaining property held as evidence by police, as soon as it can be released
 - .10 Ongoing information about court procedures against the accused
 - .11 Monetary assistance for things such as medical bills, relocation (domestic violence and sexual assault victims) and the installation of a security system.
 - .12 Assistance with burial expenses.
- .2 Persons who are called to testify as witnesses in criminal trials for violent crimes are entitled to:
 - .01 Information about the court system and help in coping with the ongoing court process
 - .02 On request, notice of final disposition of charges against the accused
 - .03 Intervention with employers regarding lost work time
- 3. The public program in Contra Costa County is administered through the District Attorney's Office.
 - 4. In addition to the Probation Department's programs, there are privately run organizations, such as STAND and Community Violence Solutions, which provide assistance to victims of certain violent crimes.

C. DEFINITIONS

- 1. Victim: Any resident of the State of California or military personnel and their families while stationed in California, to include:
 - .1 A person who sustains injury or death as a direct result of a crime.
 - .2 Anyone legally dependent upon a person for support who sustains injury or death as a direct result of a crime.
 - .3 Any member of the family of a victim specified in section C.1.1 of this policy or any person close in relationship to such a person, if that member or person was present during the actual commission of the crime. This includes any person described in this policy whose presence during treatment of the victim is medically required.
 - .4 Any family member of a person described in Section C.1.1 of this policy when the family member has incurred emotional injury as a result of the crime.
 - .5 In the event of death caused by a crime, any individual who legally assumes the obligation or who voluntarily pays the medical or burial expenses incurred as a direct result thereof.
- 2. Injury: Includes physical or emotional injury, or both. However, the victim of emotional injury must have also sustained a physical injury or threat of physical injury.
 - .1 A victim of a crime in violation of Section 261, 261.5, 262, 270, 271, 273a, 273d, 278, 278.5, 285, 286, 288, 288a, 288.5 or 289, or subdivision (b) or (c) of 311.4 of the Penal Code, who sustains emotional injury is presumed to have sustained physical injury.
- 3. Crime: A criminal act or public offense as defined in Section 15 of the Penal Code which results in injury to a resident of this state, including such a crime or public offense, wherever it may take place, when the resident is temporarily absent from this state. Additional situations that may entitle a victim to assistance are:

- .1 Injury or death intentionally inflicted through the use of a motor vehicle, aircraft, or water vehicle.
 - .2 Injury or death caused by a driver in violation of Section 20001, 23152 or 23153 of the Vehicle Code.
 - .3 Injury or death caused by a driver of a motor vehicle in the immediate act of fleeing the scene of a crime which he or she knowingly or willingly participated.
4. Loss: Any expense for which the victim has not and will not be reimbursed from any other source. These losses include:
 - .1 Medical or medical related expenses.
 - .2 Mental health counseling services provided by a licensed practitioner.
 - .3 Loss of income the victim has incurred or will incur as the result of an injury or death.
 - .4 Non-medical care and treatment rendered in accordance with a religious method of healing recognized by state law.
5. Victim Advocate: A sexual assault victim counselor, as defined in Section 1035.2 of the Evidence Code, or a victim advocate working in a center established under Article 2, commencing with Section 13835 of the Penal Code.

D. REQUIREMENTS

1. Any employee of the Concord Police Department who takes a report of a crime or public offense as defined in Section 15 of the Penal Code or any of the offenses enumerated in Section C.3.1, .2 or .3 of this policy, which results in injury or death to the victim, shall advise the victim or victim's family of the services available to victims of violent crime.
2. Pursuant to Section 679.04 of the Penal Code, a victim of sexual assault, as defined in subdivisions (a) and (b) of Section 11165.1 of the Penal Code, or spousal rape has the right to have a victim advocate, and at least one other support person of the victim's choosing, present at any interview conducted by law enforcement authorities.
 - .1 This right shall be communicated, orally or in writing, to the victim prior to the commencement of the interview.
 - .2 An initial investigation by law enforcement at the scene to determine whether a crime has been committed and the identity of the suspect(s) shall not constitute an interview for purposes of this requirement.
3. Refer to Procedure 48 for the victim assistance programs available to victims of domestic violence.
4. The Concord Police Department will ensure the confidentiality of records and files of victim/witness and their role in case development to the extent consistent with applicable law.
5. The Records Bureau shall maintain a record of all reports documenting crimes or public offenses referred to in this policy. Copies of these reports shall be made available to the appropriate agencies upon request and in accordance with department policy and state law.
6. The Concord Police Department will maintain a liaison with other agencies and organizations concerned with victim/witness needs and rights. The liaison function serves three purposes:

- .1 To ensure referrals of victims/witnesses to outside sources are based upon an accurate and up-to-date knowledge of the services offered by those sources.
 - .2 To maintain an ongoing channel of communication by which to offer and receive suggestions about how department and outside sources can more effectively work together to better serve the victim/witness.
 - .3 To identify new resources appropriate for victims of crimes.
7. The Investigations and Administrative Services Division of the Concord Police Department completes an ongoing assessment of the victim/witness assistance services administered by the Police Department. The Investigations and Administrative Services Division may also provide feedback to other public and private assistance programs to ensure the needs of the victim/witness are being met.

E. PRELIMINARY INVESTIGATION

1. The responsibilities of the department member handling the initial investigation of a crime or public offense referred to in this policy include, but are not limited to:
 - .1 Documenting the facts of the crime or public offense.
 - .2 Giving information to the victim/witness about applicable services such as counseling, shelters, referrals to legal services, medical attention, compensation programs or emergency financial assistance and victim advocacy, in the form of a Marsy Rights card.
 - .01 The victim/witness can call the Contra Costa County District Attorney's Office for further information regarding available victim/witness assistance services.
 - .3 Advising the victim/witness about what to do if the suspect or the suspect's companions or family threatens or otherwise intimidates him/her.
 - .4 Informing the victim/witness about the case number and subsequent steps in the processing of the case.
 - .5 Providing 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.
 - .01 Should the victim/witness need emergency referral assistance, they may call the Concord Police Department Communications Center at (925) 671-3333. The Communications Center will have a listing of the available referral services.
 - .02 Victims of domestic violence may receive 24-hour referral assistance by calling STAND at (888) 215-5555.
 - .03 Rape Crisis advocates are available on a 24-hour basis for counseling, referrals and accompaniment through the SART examination by calling (800) 670-7273.
 - .04 Children and Family Services is available, 24 hours a day, by calling (925) 646-1680.
 - .05 All other referral services are available during normal business hours.
 - .6 Assisting in the investigation and prosecution of cases.

F. FOLLOW-UP INVESTIGATION

1. The responsibilities of the department member to whom a crime report, referred to in this policy, is assigned for follow-up investigation include, but are not limited to:
 - .1 Follow-up investigation on all known leads.
 - .2 Re-contacting the victim/witness periodically to determine whether his/her needs are being met, if, in the opinion of the investigator, the impact of the crime on a victim/witness has been unusually severe.
 - .3 Explaining to the victim/witness the procedures involved in the prosecution of their case and their role in those procedures, as long as divulging such information does not jeopardize the successful prosecution of the case.
 - .4 When possible, scheduling line-ups, interviews, and other required appearances at the convenience of the victim/witness and, in the opinion of the investigator, providing transportation, if feasible.
 - .5 Ensuring that the victim/witness has been provided the relevant information regarding victim/witness assistance services.
 - .6 Promptly returning victim/witness property taken as evidence, except for contraband, disputed property, and weapons used in the course of the crime, where permitted by law or rules of evidence, and upon approval of the District Attorney's Office.
 - .7 Preparing the case for prosecution.
2. Assistance will be provided to those who have been threatened or who express specific, credible reasons for fearing intimidation or further victimization. The affected unit supervisor shall determine the level of assistance necessary, with approval from the Investigations and Administrative Services Division Commander.
 - .1 If the department becomes aware of danger to a victim or witness, an officer shall promptly attempt to notify the victim/witness of the situation. If the victim/witness is in another jurisdiction, the appropriate law enforcement agency shall be contacted and informed of the situation.
3. When an arrest is made in any case considered to be a major crime, the investigating officer shall attempt to contact the victim and inform them:
 - .1 An arrest has been made.
 - .2 The custody status of the suspect.
 - .01 If the suspect is subsequently transported and housed at MDF, the victim should be told to contact the Contra Costa County Sheriff's Department to inquire about custody status.
 - .001 Members of the Concord Police Department should not "guarantee" a victim/witness that they will be notified when a suspect is released from the custody of the Sheriff's Department.

G. DECEASED OR SERIOUSLY ILL PERSONS NOTIFICATION

1. Citizens or other law enforcement agencies may call upon employees of this department to make notification regarding seriously ill/injured or deceased persons. The procedure to follow may include, but is not limited to:

- .1 Notifications regarding Deceased Persons
 - .01 Upon receipt of request by private party:
 - .001 To verify legitimacy of the request, the party shall be advised to contact their local law enforcement agency and ask they send a teletype to CPD, requesting that notification be made.
 - .0001 Alternatively, the party may be advised to have the attending coroner's office, mortuary, hospital, hospice, or other care provider contact CPD dispatch with verification information.
 - .00001 If neither of the above is practicable, CPD personnel receiving the private party death notification shall consult with the on-duty Field Operations supervisor or Watch Commander regarding the request. The supervisor or manager may allow the notification to proceed.
- .2 Obtain as much information from the requesting party as may be necessary to answer questions that may be asked by the person being notified.
- .3 Obtain the name and telephone number of the person(s) the party being notified should contact for additional information.
- .4 Answer only those questions that can be answered with facts.
- .5 The notification shall be made in person.
 - .01 If the requesting law enforcement agency elects to make the notification by telephone, Concord Police Department Communications Center personnel may provide a telephone number from CMS, to the requesting agency, for the person to be notified.
2. In situations where a person is injured or killed as a result of a police action, members of the investigation team, pursuant to Procedure 57, shall make the notification.
3. If a member of the Concord Police Department is seriously injured or killed in the line of duty, notification to the next-of-kin shall be made in accordance with Procedure 76.