
Victim and Witness Assistance

341.1 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.

341.2 POLICY

The Irvine Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The members of the Irvine 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.

341.2.1 REPORTING

Irvine Police Department personnel completing any crime report shall check the appropriate box on the face page if a Victims' Resource Guide was provided. In the event a victim is not provided with a resource guide, the narrative of the report shall contain an explanation as to why it was not provided.

341.3 CRIME VICTIM LIAISON

The Chief of Police shall appoint a member of the Department to serve as the crime victim liaison (2 CCR 649.36). The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the Irvine Police Department 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. The Waymakers Victim Advocate is designated as the department's victim liaison.

341.3.1 CRIME VICTIM LIAISON DUTIES

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 his/her contact information (Government Code § 13962).

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- (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).
 - 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 Irvine Police Department jurisdiction (Penal Code § 680.2).

341.3.2 WAYMAKERS VICTIM ADVOCATE RESPONSIBILITIES

The Irvine Police Department contracts with Waymakers to provide a dedicated victim advocate. The overarching purpose of this advocate is to provide prompt, compassionate and comprehensive services to victims of crime. While the Waymakers advocate may serve all victims, victims of domestic violence, sexual assault, hate crimes or other violent crimes should be given priority.

The Waymakers victim advocate shall be responsible for reviewing all cases of domestic violence, sexual assault and other violent crimes. The advocate should work in conjunction with the case detective to ensure each of these victims is contacted and offered services. If the victim of domestic violence, sexual assault, hate crime or other violent crime is a UC Irvine student, it shall be the responsibility of the Waymakers victim advocate to make the victim aware of U.C. Irvine's C.A.R.E. (Campus Assault Resources and Education) Office. The advocate may also seek the victim's consent to release contact information to the C.A.R.E. Office.

More specifically, the Waymakers victim advocate will be responsible for providing:

- (a) Crisis intervention
- (b) Emergency assistance for food, clothing, shelter or medical care
- (c) Emergency transportation
- (d) Resource and referral information
- (e) Assistance obtaining a restraining order
- (f) Orientation to the criminal justice system
- (g) Obtaining restitution
- (h) Filing for victim compensation through the State of California

It is also expected the Waymakers victim advocate, from time to time, will ride-a-long with a field sergeant, respond to violent crimes, provide immediate crisis counseling as necessary, and provide resource and contact information to victims for future use.

341.4 CRIME VICTIMS

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

Based on the nature of the crime, the investigating Department employee should take the time to explain the various resources available to the victim, and direct the victim to the pages in the pamphlet that contain information relevant to the victim's particular crime.

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For victims of domestic violence, sexual assault, hate crimes, and other violent crimes, personnel taking initial crime reports should inform these victims about our dedicated contract Waymakers Victim Advocate, briefly explain what services this person can offer, and how this advocate may be contacted.

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.

341.4.1 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).

341.5 VICTIM INFORMATION

The Administrative Services 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.
- (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.

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- (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 (Penal 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 (Penal Code § 13701; Penal Code § 679.02; Penal Code § 679.04; Penal Code § 679.05; Penal Code § 679.026).

341.5.1 VICTIM SERVICES PARTNERS

Meeting the needs of victims is dependent upon the mutual teamwork and cooperation of victim advocates, law enforcement officials, District Attorney Personnel and others. Officers should familiarize themselves with our community partners who work in collaboration with us to ensure seamless service to victims as they progress through the criminal justice system. These partners include:

- (a) Waymakers / Victim Assistance Programs: Victim Assistance Programs is recognized by the State of California and the County of Orange as the institutionalized victim service agency charged with the responsibility to provide comprehensive service to all victims of crime. The Irvine Police Department contracts with Waymakers for a full-time victim advocate, who works out of the Centralized Investigations Division, and who is dedicated to serving victims in the City of Irvine.
- (b) Waymakers / Crisis Response Team (CRT): The Waymakers Crisis Response Team is a branch of Victim Assistance Programs. This unit is available to respond in the wake of critical incidents, such as murders, affecting a family or a neighborhood. CRT counselors will offer short and long term crisis counseling to family members, friends, neighbors and others who may be experiencing post-traumatic stress or other issues.
- (c) Human Options: This agency offers emergency shelter for women who are victims of domestic violence and their children. Human Options also operates a 24-hour domestic violence hotline and has staff that specializes in counseling and community outreach.
- (d) Trauma Intervention Programs, Inc. (TIP): TIP can be called out in the wake of any traumatic incident, such as a serious crime, a traffic collision, or a suicide. TIP volunteers generally respond within one-half hour and offer short-term crisis counseling for the victim, and friends and family members.
- (e) Irvine Police Chaplain Program: Department Chaplains should be considered when dealing with victims and their friends and family members who have been impacted by any traumatic incident or crime.
- (f) FOR Families: Operated by City of Irvine's Community Services Department, this unit is available to assist individuals and/or families with relationship problems, family

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violence, marital difficulties, drug and alcohol abuse, adolescent issues, stress and depression and financial assistance referrals. Officers may provide a FOR Families blue handout in conjunction with a Victims' Resource Guide. When investigating domestic incidents, or other incidents not amounting to a crime, officers should provide the involved party with a FOR Families handout, if they believe the person may benefit from the services offered.

- (g) **SAFE Place (Anaheim Regional Medical Center):** This is the location where every adult victim of a sex crime can receive a forensic examination. Waymakers Victim Assistance Programs are present at the forensic exam to offer the victim support, guidance and counseling.
- (h) **Child Abuse Services Team (CAST):** CAST is operated by Orange County Department of Social Services and provides support in the form of forensic interviews and medical examinations of children who are suspected of being sexually abused.
- (i) **Crime Survivors, Inc. Victim Emergency Bags:** Crime Survivors, Inc., provides victim emergency bags which are stored in the trunks of most of the marked units. There are both adult and child bags. These bags contain various items victims of sexual assault, domestic violence, child abuse and other violent crime may find comforting. Officers may provide these bags to victims at their discretion.
- (j) **Department of Social Services:** This County agency can work in conjunction with law enforcement to ensure the safety of children and elders in cases involving child abuse, child sexual abuse and elder abuse.
- (k) **Victim Information and Notification Everyday (VINE) Program:** When appropriate, officers should advise the victim of the availability of the Victim Information and Notification Everyday (VINE) program. VINE is a free, computer-based telephone service that allows victims to check on an offender's custody status and register to receive automatic notification when an inmate is released from jail. The contact phone number for VINE is printed on the Irvine Police Department Victim's Resource Guide.

The majority of the preceding list of resources is presented in the Victim Resource Guide. Officers investigating criminal matters should consider the victim's individual needs when providing the Guide and make every effort to explain relevant services and resources.

341.6 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.

341.7 CRIMINAL INVESTIGATIONS DIVISION RESPONSIBILITIES

All cases involving domestic violence, sexual assault, hate crimes or other crimes of violence shall be assigned to a detective. It shall be the responsibility of the assigned detective to:

- (a) Review each case.

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- (b) In conjunction with the Waymakers Victim Advocate, assess what resources or support may be required of the victim.
- (c) In conjunction with the victim advocate, ensure the victim receives any needed support or resources.

The Criminal Investigations Division Lieutenant is responsible for reviewing this policy at least annually and updating it as needed. The Investigations Lieutenant is also responsible to, at least annually, review the Victims' Resource Guide and Card to ensure it is up to date and contains current resource information.

In the event the Department does not have a contract for this service at any point, the designated Crime Victim Liaison will be the Criminal Investigations Lieutenant during that time.

341.8 RECORDS DIVISION RESPONSIBILITIES

The Records Bureau supervisor shall be the liaison to the local Victim-Witness Assistance Program office. It shall be his/her responsibility to forward copies of police reports requested by personnel at the local victim centers to verify the criminal activity upon which the application for assistance is based. The Records Maintenance and Release policy in this manual regarding release of reports shall be followed in all cases.