

# **SANTA CLARA POLICE DEPARTMENT GENERAL ORDER 55.1**

## **VICTIM/WITNESS PROGRAM**

**ISSUED APRIL 2006**

### **55.1.1 Summary of Rights for Victims / Witnesses**

The Santa Clara Police Department is committed to the development, implementation and continuation of appropriate victim/witness assistance programs, activities, and is actively involved in the State of California Victim/Witness Assistance Program.

For the benefit of crime victims, California Government Code Section 13959 et.seq. (Victims of Crime Program) enables cash payment from the State of California for loss of income and medical, rehabilitation or burial costs, if as a result of crime, a person was: injured physically or emotionally, legally dependent on the deceased victim for support, or paid medical or burial expenses for the victim. Program benefits are limited to \$10,000 per victim, and criteria for eligibility are listed under Government Code Section 13965 and on citizen information cards or brochures provided by members of the Santa Clara Police Department for issuance to victims.

The Santa Clara Police Department recognizes the need for victim/witness assistance. It is the position of the Department that victims and witnesses will be treated with fairness, compassion, and dignity.

In keeping with this policy, victims/witnesses can expect to:

- Receive a timely, courteous response to their calls for service.
- Be notified of the status of their case.
- Be notified of an arrest or charges being filed concerning their case.
- Be notified when their case is cleared.
- Be notified when property is recovered and/or return of property when appropriate.
- Be notified of services available to victims of particular crimes.
- Receive assistance with liaison between the prosecutor's office and the court system.
- Receive a prompt, courteous response to their questions and concerns surrounding their case.
- Receive assistance in locating appropriate and needed assistance from community resources such as social service agencies, counselors, churches, volunteer resources, etc.

### **55.1.2 Responsibility for Administration of Program**

Although victim/witness assistance programs are primarily administered through the State of California Board of Control, Victims of Crime Program, and the Santa Clara County Victim/Witness Assistance hotline, the Santa Clara Police Department is firmly committed to the development, implementation and continuation of appropriate victim/witness assistance program and activities. This shall be accomplished by delegating responsibility for the administration and coordination of the Department victim/witness activities to the Investigations Division. Such responsibilities include:

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- Ensuring that the Department's victim/witness assistance programs and procedures are adequate and meet applicable state statutes.
- Developing and/or amending on the basis of the analysis conducted, Departmental policies and procedures that achieve at least the following:
- Govern the implementation and delivery of victim/witness assistance services by Santa Clara Police Department personnel;
- Ensure the confidentiality of records and files of victim/witness and their role in case development to the extent consistent with applicable law; and
- Govern departmental efforts to inform periodically the public and media about the Police Department's victim/witness assistance services.
- Maintaining liaison with other criminal justice agencies and governmental and non-governmental agencies and organizations concerned with victim/witness needs and rights.

The liaison function shall service two purposes:

To ensure that referrals of victims/witnesses to outside sources are based upon an accurate and up-to-date knowledge of the services offered by those sources. To this end, the training commitment is stated in [55.1.5](#).

To maintain an ongoing channel of communication by which to offer and receive suggestions about how Departmental and outside sources can more effectively work together to better serve the victim witness.

### **55.1.3 Goals and Objectives**

It is the goal of the Santa Clara Police Department to ensure victim/witnesses in general (including homicide or suicide survivors) and special victims, such as those victimized by domestic violence, abuse and neglect (especially children and the elderly), sexual crimes, and drunken drivers receive assistance and related community services. In order to fulfill the Department's role in victim/witness assistance, all personnel should be aware of those services currently available from other community resources and of those services that the Department can provide.

### **55.1.4 Divisional Responsibilities**

Field Operations Division Responsibilities- Victim/witness assistance services will be provided during the preliminary investigation of appropriate crimes, over and above normal investigative routines, to include:

- Giving information to the victim/witness about applicable services such as: Counseling, medical attention, compensation programs or emergency financial assistance and victim advocacy;
- Advising the victim/witness about what to do if the suspect or the suspect's companions or family threatens or otherwise intimidates him;

- Informing victims/witnesses about the case number and subsequent steps in the processing of the case;
- 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.

#### Investigations Division Responsibilities –

The assigned Detective will provide victim/witness assistance during the follow-up investigation. Assistance to include:

- Having a Victim/Witness advocate assigned by the County, if necessary, during follow-up investigation;
- Providing appropriate assistance to victims and witnesses who have been threatened or who express specific and credible reasons for fearing intimidation or further victimization;
- Recontacting the victim/witness periodically to determine whether needs are being met, if the impact of a crime on a victim/witness has been unusually severe and has triggered above-average victim/witness assistance;
- Scheduling line-ups, interviews, other required appearances and transportation, if feasible, at the convenience of the victim/witness;
- Returning promptly victim/witness property taken as evidence (except for contraband, disputed property, and weapons used in the course of a crime), if feasible and where permitted by law or rules of evidence.

#### **55.1.5 Training**

The Santa Clara Police Department provides training for all Department personnel regarding the rights and needs of victims/witnesses and the role of the Department in handling matters involving victims and/or witnesses. The Department includes this training as part of employee orientation for all newly hired employees (sworn and non-sworn) who serve as first-responders. The Department provides additional training in this area for sworn first-line patrol personnel during the Field Training Program. At in-service training classes or muster training, all employees will be updated with victim/witness service information as new information becomes available.

The purpose of such training shall be to enable personnel to provide knowledgeable answers when asked questions by the public about victim/witness assistance programs offered by the Police Department or other community and state agencies and organizations.

#### **55.1.6 Victim/Witness Information**

Victim/witness referral information will be made available to the public 24 hours a day. The Santa Clara County Victim Witness Assistance number, (408) 295-2656, will be given to all police and dispatch personnel. Although 911 dispatchers are trained regarding the rights and needs of victims/witnesses and the role of the Department in handling matters involving victims and/or witnesses, dispatch personnel may refer requests for this information to the records

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section at the Police Department where a records person or sworn officer can determine which resources are most needed by the caller.

### **55.1.7 Victim/Witness Protection**

Assistance will be provided to those who have been threatened or who express specific, credible reasons for fearing intimidation or further victimization. The Investigations Division Captain will determine the level of assistance necessary.

If the Department becomes aware of danger to a victim or witness, prompt action shall be taken 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.

### **55.1.8 Services Provided at Preliminary Investigation**

In addition to the normal investigative routines involved in preliminary investigations, victims and witnesses will be given the following additional information:

- Victim/witness services available as defined in [55.1.3](#).
- Procedures to follow if the suspect or the suspect's associates threaten or intimidate the victim/witness.
- The case number assigned to the incident and an overview of subsequent steps to be taken to resolve the incident.
- The telephone number of the Investigations Division so that additional information may be obtained about the status of the case.

This information may be on the back of a card given to the victim/witness at the initial investigation by the first-responding officer.

### **55.1.9 Information Provided During Follow-up Investigation**

Refer to [55.1.4](#) for Investigations Division follow-up responsibilities.

### **55.1.10 Victim/Witness Notification**

When an arrest is made in any case considered to be a major crime, the investigating officer shall contact the victim/witness whenever possible and inform them:

- An arrest has been made in the case
- The custody status of the suspect and the prospects for pre-trial release

When feasible, police officers making arrests in other kinds of cases should make a reasonable effort to contact the victim/witness and inform them:

- An arrest has been made in the case
- The custody status of the suspect and the prospects for pre-trial release

**55.1.11 Notification of Deceased or Seriously Ill / Injured Persons**

Employees of this Department may be called upon to make notifications concerning seriously ill, seriously injured, and deceased persons. In addition, other agencies may provide similar notifications as described in the following paragraphs.

**Seriously Injured or Seriously Ill Persons**

Notification or contact with next of kin in situations involving hospitalized persons should be handled by a representative of the hospital administering aid to the injured or ill person. Hospitals within the County have staff positions (social worker or chaplain) that handle notifications to next of kin.

Should an outside agency request assistance from the Department to deliver an emergency message, sufficient information should be obtained to answer those obvious questions that might be asked by the next of kin.

**Deceased Persons**

Notification of next of kin of deceased persons should normally be handled by a representative of the Santa Clara County Coroner's Office. The coroner's office has established a system of notification that encompasses the necessary requirements of the law and other necessary information that might be requested.

In situations where a person is killed as a result of police action, Department investigators may be contacting next of kin shortly after the incident to conduct follow-up investigation. It is necessary to insure that the next of kin is appropriately notified as to the death of their family member, as long as positive identification of the deceased has been made. Close coordination with the Santa Clara County Coroner's Office is highly recommended.

**Chaplain Volunteers**

Members of the Chaplaincy group are available to offer assistance and comfort in any situation that is covered under this General Order regardless of the time of day or night. Any employee recognizing a need for any of the services provided by the Chaplaincy Program should make their request to their immediate supervisor. A current listing of Chaplain names and phone numbers is maintained in Field Operations.

Refer to [General Order 22.5](#) on the Chaplaincy Program.