

**Event 1 - Police Sciences**  
**Session 22- Victim Assistance**  
**LD#4 Victimology/Crisis Intervention**

**Date Revised: 09/10/2019**

**Course Goal:** To teach recruit officers the fundamentals of Legal Authority/Individual Rights: The identification and application of state, federal and constitutional laws governing victim's rights, by providing the victims of crimes with resources and victim assistance information.

**Learning Objectives:**

- Explain the information law enforcement agencies are required by law to provide to victims of criminal acts to include: 1. Government Code Section(s) 13950-13966, 2. Victims' Bill of Rights, California Constitution, Article I, Section 28(b), "Marsy's Law" **[04.2C1-2]**
- Explain qualifications for compensation under the Victims of Crime Compensation Program **[04.2D]**
- Explain the legal and procedural information available to the victim **[04.2E]**
- Listing and function of resources available to victims/persons in crisis **[04.4A4]**

**Session Time: 1 hour**

<b>Resources:</b>	
<ul style="list-style-type: none"> <li>• Classroom with tables</li> <li>• White board</li> <li>• Dry-erase markers</li> <li>• Handouts: Marsy's Law, Blank Confidentiality Form, Blank IR, Domestic Violence (VINE Program)</li> </ul>	
<ul style="list-style-type: none"> <li>• <b>Session Summary:</b> The recruit officer will be able to provide all information to the victim that is required by law, Government Code Section 13960, and identify the appropriate referral agencies and support services.</li> </ul>	
Outline	Instructor Notes
<p>I. Victim Assistance Information</p> <p>A. Law Enforcements Responsibility (Refer recruits to LD#4 (PWB pg. 2-12 to 2-19))</p> <ol style="list-style-type: none"> <li>1. Officers must be able to provide victims with meaningful information that will assist them in coping with a crisis and support their participation in the investigative and legal process.</li> <li>2. Explain the information law enforcement agencies are required to provide to victims of criminal acts to include <b>[04.2C1-2]</b>: <ol style="list-style-type: none"> <li>a. Officers must notify victims of the existence of <ol style="list-style-type: none"> <li>1) Local victim assistance centers</li> <li>2) The California Victims Compensation Program</li> <li>3) Government Code Section(s) 13950-13966</li> <li>4) Victims' Bill of Rights, California Constitution, Article I, Section 28(b), "Marsy's Law"</li> </ol> </li> </ol> </li> </ol>	

**Event 1 - Police Sciences**  
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<ul style="list-style-type: none"><li>5) Victim Indemnification Information</li><li>6) Request for Victim Confidentiality of Information</li><li>7) Victim Information Notification Everyday (V.I.N.E. Program)</li></ul> <p>3. Under the law, Law Enforcement agencies must notify the victim of a crime the existence of per Government Code Section 13968(c)</p> <ul style="list-style-type: none"><li>a. Victims Compensation<ul style="list-style-type: none"><li>1) According to California law, victims of crime who qualify for coverage may receive financial assistance for certain types of losses resulting from that crime under specified conditions. Specifically, when they cannot be reimbursed by other sources.</li><li>2) Types of losses that may be covered by the California's Crime Victim Compensation Program<ul style="list-style-type: none"><li>a) Lost Wages</li><li>b) Lost Financial Support</li><li>c) Medical Expenses (including Emotional/Mental Health Counseling)</li><li>d) Dental Expenses</li><li>e) Job Retraining Expenses</li><li>f) Burial Expenses</li><li>g) Losses not covered by the program may still be recovered. Specifically, victims may also request court ordered restitution as a part of an offender's sentence or bring a civil lawsuit against an offender.</li></ul></li></ul></li><li>b. Local victim/witness services</li></ul> <p>4. Under California Law, qualified victims of specified violent crimes may receive financial assistance for losses resulting from a crime when those losses cannot be reimbursed by other sources.</p> <p>B. Explain qualifications for compensation under the Victims of Crime Compensation Program <b>[04.2D]</b></p> <ul style="list-style-type: none"><li>1. Victims of crime are eligible for assistance under California's Crime Victim Compensation Program.<ul style="list-style-type: none"><li>a. A "victim" is defined under the California Constitution as:<ul style="list-style-type: none"><li>1) A person who suffers direct or threatened physical, psychological, or financial harm as a result of the commission or attempted commission of a crime or delinquent act.</li><li>2) The term "victim" also includes the person's spouse, parent, children, siblings, or guardian, and includes a lawful representative of a crime victim who is deceased, a minor, or physically or psychologically incapacitated.</li><li>3) The term "victim" does not include a person in</li></ul></li></ul></li></ul>	
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**Session 22- Victim Assistance**  
**LD#4 Victimology/Crisis Intervention**

custody for an offense, the accused, or a person whom the court finds would not act in the best interests of a minor victim.

2. Crimes
  - a. Crimes typically covered Include, but are not limited to:
    - 1) Murder
    - 2) Assault with a deadly weapon
    - 3) Sexual assault
    - 4) Battery
    - 5) Child abuse/molest
    - 6) Child abduction
    - 7) Stalking
    - 8) Domestic violence (including child witness)
    - 9) Driving under the influence (with injury)
    - 10) Hit and run (with injury)
    - 11) Vehicular Manslaughter
    - 12) Robbery
    - 13) Other violent crimes as defined by statute
3. Eligible Parties **[04.2C1]**
  - a. Government Code Section 13960 specifies individuals who qualify
  - b. Victims that are included in the victim assistance program are as follow:
    - 1) Anyone who was injured or dies as a direct result of a crime committed in California
      - a) Injury, for purposes of qualification for victim compensation, can be either physical or emotional
        - (1) Emotional Injuries only apply if they are incurred by a person who:
          - (a) Also sustains a physical injuries or threat of a physical injury
          - (b) Is a member of the family of a direct victim
          - (c) Is in close relationship to the direct victim, if such a person was present during the commission of the crime
    - 2) Any resident of California who is injured or dies as a result of a crime while temporarily outside the state.
    - 3) Anyone legally dependent for support upon a person who is injured or dies as a direct result of a crime while temporarily outside the state.
    - 4) A family member or any person in close relationship with a crime victim if:
      - a) That person was present when the crime was committed and
      - b) The victim was injured or died as a direct result of the crime and

**Event 1 - Police Sciences**  
**Session 22- Victim Assistance**  
**LD#4 Victimology/Crisis Intervention**

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| <ul style="list-style-type: none"><li>c) The crime was committed in California or</li><li>d) The victim was a resident of California and the crime occurred while the victim was temporarily outside the state.</li><li>5) A family member or any person in close relationship with a crime victim whose presence is required for the successful treatment of the victim who was injured as a direct result of the crime, and the crime was committed in California or the victim was a resident of California and the crime occurred while the victim was temporarily outside the state.</li><li>6) Any individual who legally assumes the obligation or voluntarily pays the medical or funeral/burial expenses incurred as a direct result of a crime<ul style="list-style-type: none"><li>a) If the crime was committed in California or</li><li>b) The victim was a resident of California and the crime occurred while the victim was temporarily outside the state.</li></ul></li><li>7) Family members of the victim who incur emotional injury because of the crime.</li><li>4. Parties Not Eligible<ul style="list-style-type: none"><li>a. Persons who committed the crime</li><li>b. Persons who contributed to or took part in the events leading to the crime</li><li>c. Persons who do not cooperate with law enforcement in the investigation and or prosecution of known suspects (domestic violence victims are an exception)</li><li>d. Persons (with the exception of domestic violence) who do not cooperate with the staff members of appropriate assistance agency(s) or the Victim/Witness Assistance Programs in the verification of the claim.</li><li>e. Note: The law limits eligibility for persons convicted of felonies committed on or after January 1, 1989 to those who have been released and completed any parole or probationary obligations</li></ul></li><li>C. If eligible for assistance, victims must have done the following to qualify for California's Crime Compensation Program?<ul style="list-style-type: none"><li>1. The crime must have been reported to law enforcement.</li><li>2. The victim must have cooperated with law enforcement in the investigation of any known suspects and cannot have contributed to the events leading up to the crime.</li><li>3. Note: Officers should not tell victims they will qualify for compensation, they should only advise them of how to apply for compensation. Officers should not make promises or give false hope to victims about financial</li></ul></li></ul> |  |
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**Event 1 - Police Sciences**  
**Session 22- Victim Assistance**  
**LD#4 Victimology/Crisis Intervention**

compensation.

- II. Victims' Bill of Rights "Marsy's Law" **[04.2C2]**
  - A. On November 4, 2008, the voters of California approved Proposition 9, the Victims' Bill of Rights Act of 2008: Marsy's Law.
  - B. **DISTRIBUTE:** Victims' Bill of Rights, Marsy's Law Handout
    - 1. Refer to the handout and briefly review with students.
    - 2. This initiative amended the California Constitution and statutory provisions to provide additional rights to victims. The California Constitution, Article 1, Section 28, confers certain rights to victims of crime. It is generally known as Marsy's Law.
      - a. Those rights include:
        - 1) Fairness and Respect
        - 2) Protection from the Defendant
        - 3) Victim Safety Considerations in Setting Bail and Release Conditions
        - 4) The prevention of the Disclosure of Confidential Information
        - 5) Refusal to be interviewed by the Defense
        - 6) Conference with the Prosecution and Notice of Pretrial Disposition
        - 7) Notice of and Presence at Public Proceedings
        - 8) Appearance at Court Proceedings and Expression of Views
        - 9) Speedy Trial and Prompt Conclusion of the Case
        - 10) Provision of Information to the Probation Department
        - 11) Receipt of Pre-Sentence Report
        - 12) Information About Conviction, Sentence, Incarceration, Release, and Escape
        - 13) Restitution
        - 14) The Prompt Return of Property
        - 15) Notice of Parole Procedures and Release on Parole
        - 16) Safety of Victim and Public are Factors in Parole Release
        - 17) Information About These 16 Rights
      - 3. Under Marsy's Law, a victim has the right upon request to know the status of their court case. They can contact the prosecutorial office that is prosecuting the case and let them know that they are a victim on a case that has been filed and that they want to know the status of the case.
        - a. The information can be found on the Los Angeles Superior Court's website ([www.lasuperiorcourt.org/onlineservices/criminalindex/index.asp](http://www.lasuperiorcourt.org/onlineservices/criminalindex/index.asp)).
        - b. NOTE: The Superior Court charges an access fee

**Event 1 - Police Sciences**  
**Session 22- Victim Assistance**  
**LD#4 Victimology/Crisis Intervention**

for this service (approx. \$4.75).

4. **DISTRIBUTE:** LAPD I.R. (Form 03.01.00 (03/18)) Handout
  - a. Refer to the handout and briefly review with students.
  - b. Point out the Victim's Report Memo (Form 03.17.00) information on the I.R.;
    - 1) Review all aspects of the victim's copy of I.R.
      - a) Keep this Report for Reference
      - b) To Report Additional Information
      - c) DR Number
      - d) Credit Card/Checks
      - e) How You Can Help the Investigation of Your Case
      - f) Victim-Witness Assistance Program
      - g) Victim of Violent Crime Compensation
    - 2) Explain indemnification process and documentation (Investigative Report- Field Notebook Divider (Form 18.30.01 (08/16))
      - a) Inform victim (or member of victim's family) of crime of violence, of the State indemnification program (California's Crime Compensation Program) and of the CA & DA Victim/Witness Assistance Programs.
      - b) Do not advise of their eligibility for indemnification (tell them that they will be compensated), merely notify them of the program.
      - c) Details and phone numbers are on the victims are on the victim's copy of the I.R. and Victim's Report Memo.
      - d) Enter in the space on the I.R., the date, time, name, address & relationship of the person notified.
      - e) If not notified, include in the Narrative any information that may aid the investigating officer in making this notification.
      - f) If the indemnification section is not used, cross out that heading and use the space for the narrative.
    - 3) Refer to PWB 2-20 and briefly overview appropriate statements regarding aspects of follow-up.
5. **DISTRIBUTE:** Request for Confidentiality of Information (Form 03.02.00 (09/18)) Handout (LAPD Manual Section 3/413.10)
  - a. Officer shall complete a request for confidentiality of information for all victims of offenses as specified in Government Code Section 6254, Domestic Violence Crimes, Sex Crimes and Hate Crimes, whether they

**Event 1 - Police Sciences**  
**Session 22- Victim Assistance**  
**LD#4 Victimology/Crisis Intervention**

exercise the right to confidentiality.

- b. Government Code Section 6254 provides that the court may order the victim of a sex crime or other non-sex crimes as defined in Government Code Section 6254 to be identified as either Jane or John Doe in all records and court proceedings, if the court finds that such an order is reasonably necessary to protect the privacy of the victim regarding the following Penal Code Sections:
  - 1) 220 P.C. – Assault with intent to commit mayhem, rape, sodomy, oral copulation
  - 2) 261 P.C. – Rape
  - 3) 261.5 P.C. – Unlawful sexual intercourse with a minor under 18 years of age
  - 4) 262 P.C. – Rape of a spouse
  - 5) 264 P.C. – Rape of a spouse; unlawful sexual intercourse
  - 6) 264.1 P.C. – Rape or penetration of genital or anal opening by force or violence
  - 7) 273(a) P.C. – Willful harm or injury to child; endangering person or health
  - 8) 273(d) P.C. – Corporal punishment or injury of child
  - 9) 273.5 P.C. – Willful infliction of corporal injury
  - 10) 286 P.C. – Sodomy
  - 11) 288 P.C. – Lewd or lascivious acts with a child under the age of 14
  - 12) 288(a) P.C. – Oral copulation
  - 13) 289 P.C. – Penetration of genital or anal openings by a foreign object
  - 14) 422.6 P.C. – Interference with the exercise of civil rights; damaging property; speech threatening violence
  - 15) 422.7 P.C. – Aggravating factors for punishment; present ability to commit violent injury or actual physical injury
  - 16) 422.75 P.C. – Protected classes; enhanced penalty for felonies against person or property of public agency or private institution because of class membership
  - 17) 646.9 P.C. – Stalking
- c. In addition to complying with established procedures for handling the preliminary investigation of an offense, employees shall:
  - 1) Advise the victim of the right to confidentiality;
  - 2) Request that the victim initial the appropriate statement referencing victim confidentiality on the form (03.02.00 or 03.02.01) and sign the form as an acknowledgement of the advisement;

**Event 1 - Police Sciences**  
**Session 22- Victim Assistance**  
**LD#4 Victimology/Crisis Intervention**

<p>and</p> <ol style="list-style-type: none"><li>3) Complete a Request for Confidentiality of Information, Form 03.02.00, including the "other box when appropriate.</li></ol> <p>6. <b>DISTRIBUTE:</b> Domestic Violence/(V.I.N.E.) Victim Information Notification Every day (DVV) Pamphlet Handout (Form 15.42.01 (10/15))</p> <ol style="list-style-type: none"><li>a. Officers shall issue a DVV pamphlet to victims of violent crimes and all victims of domestic violence.</li><li>b. Refer to mandatory Victim Advisement and the VINE program</li><li>c. When an arrest is made for a violent crime and a domestic violence related crime such as spousal abuse, criminal threats, stalking, rape, in which there is an identified victim, the arresting officer(s) shall provide the victim with a VINE information pamphlet.</li><li>d. Note: When an arrest is made for any other crime and there is an identified victim, the officer(s) may provide the victim with VINE information pamphlet.</li><li>e. When an arrest is made for a violent or domestic violence crime, the arresting officer(s) shall advise the victim of the following:<ol style="list-style-type: none"><li>1) The DVV information regarding the arrestee(s) will not be accessible until the arrestee(s) is booked into the Automated Justice Information System(AJIS);</li><li>2) Utilization of the DVV program by the victim is voluntary;</li><li>3) Not to depend solely upon the DVV program for their safety; and</li><li>4) The arrestee's booking number as soon as possible when the arrestee has a common name.</li><li>5) <b>Exception:</b> If the arrestee is released without booking, the arresting officer shall notify the victim of the release immediately.</li></ol></li></ol> <p>III. Legal and Procedural Information <b>[04.2E]</b></p> <ol style="list-style-type: none"><li>A. Explain the legal and procedural information available to the victim<ol style="list-style-type: none"><li>1. Provide the victim with information on the legal and procedural process<ol style="list-style-type: none"><li>a. How to access law enforcement reports and other information</li><li>b. Legal considerations and restrictions for specific crimes</li><li>c. Case follow-up procedures</li></ol></li><li>2. Access to reports<ol style="list-style-type: none"><li>a. The case number of the report</li><li>b. A telephone number to call to obtain the report if</li></ol></li></ol></li></ol>	
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**Event 1 - Police Sciences**  
**Session 22- Victim Assistance**  
**LD#4 Victimology/Crisis Intervention**

- one is not immediately available
  - c. Step-by-step agency procedures for obtaining a copy of the report
  - d. Approximate time before report will be available
  - 3. Legal considerations and restrictions
    - a. Cases involving juveniles
    - b. Matters still under investigation
    - c. Certain sex crimes
    - d. Family crimes
    - e. Crimes involving children
    - f. Certain crimes requiring victim confidentiality
  - 4. Case follow-up procedures
    - a. Detective/Investigative follow-up and interview
    - b. Court proceedings
  - 5. Making promises
    - a. Officers should not make follow-up promises
      - 1) Inappropriate statements
        - a) "The detective will call in the morning."
        - b) "The report will be ready tomorrow."
        - c) "The D.A. will file this as a felony."
        - d) "You will never be asked to repeat this."
      - 2) Appropriate statements
        - a) A detective may contact you. If you don't hear from them, you should call them and speak to the detective assigned to your case."
        - b) "It may take a day or so to process the report. Here is the phone number to call; you can call to check on the status of your report and obtain the report number."
        - c) "The detective will take our report to the prosecutor, and they will decide how to proceed."
        - d) "The detective assigned to your case will be contacting you to verify the information is our report and obtain any additional information you can provide to them."
  - 6. Written information
    - a. Officers may find it useful to provide follow-up information in writing, when possible. This can increase the chances of receiving additional information from the victim.
    - b. Officers should be aware of agency policies and procedures for providing written information to victims of crimes.
- B. Distribute: Local Victim/Witness Services Handout