

Basic Course Workbook Series Student Materials

**Learning Domain 4
Victimology/Crisis Intervention
Version 4.4**

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Student Materials
Learning Domain 4
Victimology/Crisis Intervention
Version 4.4**

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THE ACADEMY TRAINING MISSION

The primary mission of basic training is to prepare students mentally, morally, and physically to advance into a field training program, assume the responsibilities, and execute the duties of a peace officer in society.

FOREWORD

The California Commission on Peace Officer Standards and Training sincerely appreciates the efforts of the many curriculum consultants, academy instructors, directors and coordinators who contributed to the development of this workbook. We must also thank the California law enforcement agency executives who allowed their personnel to participate in the development of these training materials.

This student workbook is part of the POST Basic Course Training System. The workbook component of this system provides a self-study document for every learning domain in the Basic Course. Each workbook is intended to be a supplement to, not a substitute for, classroom instruction. The objective of the system is to improve academy student learning and information retention and ultimately contribute to you becoming a peace officer committed to safety, and to the communities you will serve.

The content of each workbook is organized into sequenced learning modules to meet requirements as prescribed both by California law and the POST Training and Testing Specifications for the Basic Course.

It is our hope that the collective wisdom and experience of all who contributed to this workbook will help you, the student, to successfully complete the Basic Course and to enjoy a safe and rewarding career as a peace officer.

MANUEL ALVAREZ, Jr.
Executive Director

LD 4: Victimology/Crisis Intervention

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Preface

Introduction

Student workbooks

The student workbooks are part of the POST Basic Course Instructional System. This system is designed to provide students with a self-study document to be used in preparation for classroom training.

Regular Basic Course training requirement

Completion of the Regular Basic Course is required, prior to exercising peace officer powers, as recognized in the California Penal Code and where the POST-required standard is the POST Regular Basic Course.

Student workbook elements

The following elements are included in each workbook:

- chapter contents, including a synopsis of key points,
 - supplementary material, and
 - a glossary of terms used in this workbook.
-

How to Use the Student Workbook

Introduction

This workbook provides an introduction to the training requirements for this Learning Domain. You may use the workbook in several ways: for initial learning, for test preparation, and for remedial training.

Workbook format

To use the workbook most effectively, follow the steps listed below.

Step	Action
1	Begin by reading the: Preface and How to Use the Workbook, which provide an overview of how the workbook fits into the POST training program and how it should be used.
2	Refer to the Chapter Synopsis section at the end of each chapter to review the key points that support the chapter objectives.
3	Begin reading the text.
4	Complete the workbook learning activities at the end of each chapter. These activities reinforce the material taught in the chapter.
5	Refer to the Glossary section for a definition of important terms. The terms appear throughout the text and are bolded and underlined (e.g., <u>term</u>).

Chapter 1

Victims of Crime

Overview

Learning need Peace officers must deal effectively and considerately with victims, and protect their rights. Peace officers need to understand the psychological trauma experienced by crime victims. Peace officers need to identify techniques used to defuse crisis situations, which result from people being the victims of a crime.

Learning objectives The chart below identifies the student learning objectives for this chapter.

After completing study of this chapter, the student will be able to:	Objective ID
• Describe the direct and indirect victims of a crime	4.01.1
• Describe emotional and physical reactions or behaviors that may be exhibited by victims in crisis	4.01.5
• Describe techniques officers can use to help defuse a crisis situation for a victim of crime	4.01.6
• Describe potentially negative attitudes that peace officers may exhibit toward victims of crime	4.01.7

Continued on next page

Overview, Continued

In this chapter

This chapter focuses on psychological effects suffered by the victims of crime and presents techniques peace officers can use to defuse a crisis. Refer to the following chart for specific topics.

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Victims

Introduction

An officer's ability to deal with, and effectively communicate with, the victims and witnesses of a crime can dramatically affect the outcome of an investigation. For this reason, it is critical that peace officers recognize and treat *all victims* of a crime with respect and compassion. Using the procedural justice principles of Voice, Neutrality, Respect and, Trustworthiness will make you more effective.

Direct and indirect victims

The *victim* of a crime is not limited to the direct target of an attack or other offense. The table below identifies the two different types of victims associated with crimes: **direct victims** and **indirect victims**.

Type of Victim	Definition	Examples
Direct Victim	People who: • have had a crime committed against them • report that a crime has been committed against them, or • suffer, as a direct result of a crime, economic loss, physical injury, emotional trauma, or death	• a person killed in a hit and run collision • a rape survivor • a man whose home was burglarized • a bystander shot along with the intended victim • a responding officer shot

Continued on next page

Victims, Continued

Direct and
indirect
victims
(continued)

Type of Victim	Definition	Examples
Indirect Victim	People who: • have a close relationship to the direct victim, or • suffer emotional trauma and/or economic loss as a result of being a witness to a crime, or • are members of a group or individuals within the community where a crime has taken place.	• the family of a woman who was raped • close friends of a murder victim • witnesses to a brutal assault on a teenager • neighbors of a man whose home was burglarized • partner of an officer who is shot

Continued on next page

Victims, Continued

Example

A jealous boyfriend entered a college lecture hall hunting for his girlfriend. He began shooting randomly, killing one student, and seriously injuring another. Below are listed examples of direct and indirect victims of this crime.

Direct Victims	Indirect Victims
• the deceased student • the injured student	• the parents and close relatives of the dead student • the parents and close relatives of the injured student • friends and neighbors of the dead and injured students • students who witnessed the shooting • the faculty member who was responsible for the class, but not a witness to the shooting • other students at the college or members of the community who no longer feel safe • parents of other students who fear for their children's safety • first responders

Peace officer actions

It is not necessary for officers to distinguish between the categories of victims and their treatment. Being a target of, or in any way affected by, a crime can cause severe shock or trauma leading to a crisis situation.

Initial contact officers should presume that *any victim* may potentially be in crisis. This could include other officers and first responders.

Reactions to Victimization

Introduction	Circumstances that lead to a crisis situation for one person may not for another. Accurate assessment of a victim's responses will help officers respond appropriately and can potentially affect the quality of the information a victim is able to provide.
Ethics	Here is one of the best applications of the Golden Rule: Treat every victim as you would want to be treated if you were a victim. Understanding how someone feels when they are victimized will help officers respond in an appropriate manner.
Procedural justice	Giving people the opportunity to tell their side of the story, remaining neutral in your decision-making and behavior, treating people with respect, and explaining your actions will help you interact with victims effectively.
Community policing	A crisis can present an opportunity for officers to provide effective interaction with the community and promote a positive relationship. The victim is often the best source of information that can lead to successful investigations and prosecutions. Early and sensitive intervention on the part of law enforcement can help victims understand their rights and help them start regaining control of their lives.
Rationalizing the event	When an unpredictable situation such as a crime or loss occurs, a victim may try to rationalize the event by creating a logical cause for it. This may cause victims to unintentionally give inaccurate or incomplete information.

Continued on next page

Reactions to Victimization, Continued

Typical victim thoughts

The table below illustrates victims' thought processes that officers should be aware of.

Thought	Example	Impact
Self-blame	"The rape was my fault because I agreed to dance with him."	Feelings of guilt or embarrassment may prevent the victim from revealing critical details such as acquaintance with the attacker, possible manner of entry, etc.
Trying to Make Sense of a Nonsensical Act	"I should have been more careful."	The victim may unconsciously suppress critical details in favor of offering "reasons" they have come up with.
Complete Denial	"It couldn't have (or didn't) happen to me."	The victim may be reluctant or unwilling to discuss the crime.
Intellectualize the Situation	"The guy assaulted me because he was a low-class, ignorant, uneducated person and was probably brutalized as a child."	The victim may substitute a rationalized motive instead of recalling details that could establish actual motive.

Continued on next page

Reactions to Victimization, Continued

Typical
victim
thoughts
(continued)

Thought	Example	Impact
Rely on Religious Beliefs	“The lord will judge him for what he did; it’s in God’s hands.” “It was not his fault; he was just an instrument of Satan.”	The victim may be reluctant to assist with evidence or prosecution because they feel it ultimately does not matter or was not the perpetrator’s fault.
Inappropriate Forgiveness	“He could really have hurt me, but he was nice to me after he did it.” “He was acting out against an unjust cause, not really at me directly. I just happened to be in a wrong place at a wrong time.”	The victim may suppress critical details of the crime.

Continued on next page

Reactions to Victimization, Continued

Emotional reactions

When an emotion is powerful enough to become the temporary focus of the person's existence, such as in a crisis, logical and objective thoughts may be difficult for the victim.

It is not unusual for a person to react to victimization with feelings of:

- helplessness
 - powerlessness
 - being out of control
 - anger
 - sadness
 - fear
 - any combination of the above
-

Physical reactions

Knowledge of physical cues or reactions can assist peace officers in recognizing when a victim is in or near crisis. Officers should learn to recognize cues through the victim's comments, actions, and physical reactions.

Physical reactions that indicate a possible crisis for the victim may include, but are not limited to:

- red, flushed face
 - unnecessarily loud voice
 - hyperventilation or rapid breathing
 - shaking, twitching hands, or clenched fists
 - rigid body
 - fixed stare
 - hesitation to move as commanded
 - nausea
-

Continued on next page

Reactions to Victimization, Continued

Physical reactions (continued)

- complaints of headache or heart palpitation
 - crying, tears, hysteria
 - excessive sweating
 - any combination of the above
-

Extreme or inappropriate response

An **extreme or inappropriate response** on the part of a victim may indicate a crisis for that person. Such responses may also present a strong potential for danger for officers, victims themselves, or others.

The following table presents additional information regarding the identification of extreme or inappropriate responses of a victim in crisis.

Type of Response	Description	Indications
Extreme	Responses that: • are intense or that seem to be out of proportion to the circumstances • may involve the victim physically striking out at officers or others, or attempting to harm themselves	• uncontrollable screaming, crying, or hysterics • severe depression • rage or violence • immobility (“frozen” or unable to move)

Continued on next page

Reactions to Victimization, Continued

Extreme or inappropriate response
(continued)

Type of Response	Description	Indications
Inappropriate	Responses that: • are in conflict with other verbal or physical cues • indicate that a projected calm is actually covering intense emotions which may be unpredictably exhibited at another time	• denying of apparent feelings or injuries • speaking in a calm voice or manner while trembling uncontrollably • claiming no anger while at the same time clenching fists or locking the jaw • still and rigid body with rapid flitting eye movements • overly calm demeanor when signs of physical violence exist in the room or nearby area

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Reactions to Victimization, Continued

Examples

- (1) Officers respond to a reported battery and burglary. The victim arrived home and surprised two burglars who beat him with a baseball bat before fleeing. When the officers arrived, they found the victim's home had been extensively vandalized. The victim, bruised and bleeding, was sitting rigidly, staring at the floor. He told officers his injuries were minor and the damage to the house "can be fixed in a few minutes." This is an example of an inappropriate reaction toward the nature of injuries and surroundings.
 - (2) Two cars collided on an interstate highway. No one was injured, and both cars sustained minor damage. When officers arrived on the scene, they found one man screaming obscenities at the occupants of the other car. When officers intervened, the man turned toward them and continued to shout and threaten the other driver with physical violence. This is an example of an extreme reaction to a situation indicating that the man was in crisis.
-

Defusing Crisis Situations

Introduction

By defusing the crisis, officers can help empower victims and aid them in regaining a sense of control and order. A victim who is not in crisis is more likely to communicate and cooperate with officers.

Acknowledge victim's ordeal

For many victims of violent crime or loss, the critical event and its effects are, at least temporarily, the *central focus of their lives*. Nothing is more important to the victims than resolving their own crisis. It is important that officers acknowledge the victim's ordeal and exhibit empathy rather than sympathy for the victim.

Empathy is the ability to identify one's self with a person or event. Empathy can aid officers in recognizing and understanding a victim's feelings or reactions to the situation.

Empathy should not be confused with **sympathy**, which is a sameness of feeling, a connection between persons. Sympathy may cause the officer to over-identify with the victim and lose the objectivity necessary for good judgment.

You can exhibit empathy by giving the victim the opportunity to tell you what happened without interruption, remaining neutral, displaying respect, and working to build trust with the victim.

By exhibiting empathy and acknowledging the victim's ordeal, an officer:

- becomes a source of assistance for the victim
 - avoids being cast in the role of someone who appears to blame or punish
 - increases the likelihood of developing rapport with the victim
 - enhances the victim's willingness to cooperate with law enforcement officers
-

Continued on next page

Defusing Crisis Situations, Continued

Reassure victim of safety

In the early moments of a crisis, victims may be upset, in a state of confusion, or unaware they are now safe. It is important for peace officers to provide immediate reassurance of their safety.

Helpful phrases include, but are not limited to:

“I am here now.”

“You’re safe now.”

“Peace officers are in the area now.”

NOTE: “Now” is a key word in this initial reassurance. Its use can help the victim return to present reality and separate from the crime.

Examples

- (1) Officers were dispatched to a call of an elderly woman sitting in the street. They found the woman crying and cradling a dead dog. She told officers a car had hit the dog and she repeatedly asked the officers to help her dog. One officer said, “You’ve had a terrible shock; I’m sorry this happened. Let me help you both out of the street.” By acknowledging her pain and including the dog in the suggestion to move to safety, the officer made clear his understanding of the bond the woman had with her dog.
 - (2) Officers responded to a sexual assault in which a 16-year-old girl was raped by a boy she met a few hours earlier. The girl was distraught and said, “He told me not to tell anyone.” The initial contact officer began by saying, “You’re safe now. This is a terrible thing that happened.” This statement reassures the victim of her immediate safety, as well as acknowledging her ordeal.
-

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Defusing Crisis Situations, Continued

Ask diversionary reality questions

In some cases, victims may be so distressed they are unable to concentrate on what the officer is saying or unable to answer questions about the crime itself. In such cases, it is useful to ask the victim diversionary reality questions.

Diversionary reality questions are simple, realistic, and nonthreatening questions that are not directly related to the crime itself. The person must provide some form of information, such as a number, in order to answer the question. By having to form the answer, victims are able to reestablish their focus and return to reality.

Examples of diversionary reality questions include:

“How many children do you have?”

“Where are the children?”

“How many people live here with you?”

Ask questions which pose simple choices

It is important for officers to realize that victims may have lost a sense of control over their environment. Whenever possible, officers should ask questions that offer the victim the chance to make simple choices.

When offered simple choices, the victim must choose between options, such as *yes* or *no*. This allows victims to make decisions, even if minor ones, and regain some sense of control. As victims regain their sense of control, they are better able to work with officers and provide information specific to the crime.

Continued on next page

Defusing Crisis Situations, Continued

Ask questions which pose simple choices
(continued)

Examples of questions that pose simple choices include:

- “Can I make a call for you?”
 - “Does your son need a ride home from school?”
 - “Would you like something to drink?”
-

Use an appropriate tone of voice

The tone of an officer’s voice reveals as much about that officer’s attitudes toward the victim as any words the officer may say. A calm, supportive voice will reassure the victim and aid in establishing rapport. Negative tones may limit a victim’s desire to cooperate with an officer.

An officer’s tone of voice should be:	An officer’s tone of voice should <i>never</i> be:
• calm and low • reassuring and supportive • concerned • courteous • serious	• judgmental • condescending • agitated, impatient • nervous or embarrassed • sarcastic

Continued on next page

Defusing Crisis Situations, Continued

Apply positive nonverbal communication techniques

In any face-to-face interaction, only a fraction of the information conveyed is verbal. A large percentage of information is sent via nonverbal cues. Peace officers need to recognize the power of their nonverbal cues when interacting with victims.

The following table identifies three nonverbal techniques officers can employ:

Technique	Description	Officer Actions
Maintaining Eye Contact	• one of the most powerful nonverbal crisis diffusion techniques • presents officers in a strong, stable manner • provides the victim with a calming focal point • allows the officer to observe the victim for signs of extreme or inappropriate responses	Officers should: • look directly at the victim, focusing on the victim's face • maintain eye contact even if the victim cannot make eye contact in return • be aware that constant and direct eye contact is avoided in some cultures
		Officers should avoid: • staring, peering, or glaring at the victim

Continued on next page

Defusing Crisis Situations, Continued

Apply
positive
nonverbal
communication
techniques
(continued)

Technique	Description	Officer Actions
Establishing Nonthreatening Body Posture	- refers to an officer's physical gestures along with the distance and position of the officer's body in relation to the victim - careful and deliberate body posturing can give an air of calm to the situation and help relax the victim - In some situations, sitting down may not be advisable or possible. In these instances, the officer should stand close enough to express concern, but avoid intrusion into the victim's personal space.	Officers should: - sit or stand near the victim - position themselves at a slight angle to the victim - allow the victim to initiate touching (e.g., reaching out, touching an officer's hand, etc.)
		Officers should avoid: - intrusion into a victim's personal space, usually inside a three feet radius of the person - direct, head-on alignment with the victim that would force the victim to look away for privacy - overtly reaching out or touching a victim without the victim first initiating the action

Continued on next page

Defusing Crisis Situations, Continued

Apply
positive
nonverbal
communication
techniques
(continued)

Technique	Description	Officer Actions
Encouraging Physical Opposites	• suggesting or recommending a change in physical activity or position for the victim • allows victims to reestablish their focus and return to a calmer state	Officers can: • recommend that a pacing or agitated victim sit down • encourage a victim who has an unnaturally rigid body posture to stand and walk about
		Officers should <i>avoid</i>: • telling a victim to “calm down” rather than encouraging any other action

NOTE: Officers should never tell a victim to “calm down” as a means for defusing the crisis.

Continued on next page

Defusing Crisis Situations, Continued

Explain procedures and follow- up actions

In a crisis, understanding what will happen next and why is an essential part of the victim's ability to overcome a sense of helplessness. Peace officers can become so familiar with law enforcement and criminal justice system procedures, and the reasons for them, they forget victims do not share this familiarity.

Officers can help increase the victim's sense of control and establish rapport with the victim by explaining the legal or investigative procedures. Officers can also describe in simple terms what the victim can expect to happen during the legal process. Officers should take care to end their discussion of procedures and options by asking victims if they have any questions.

Some victims may require time to process the information that has been presented to them. Officers should make sure victims have a contact name and phone number, so victims can obtain answers to questions at a later time.

Example: When dealing with a victim of a sexual assault, this discussion should include informing the victim a medical examination will be required, and explaining the reasons why this examination is important.

Peace Officer Reactions Toward Crime Victims

Introduction People can react to victims in inappropriate or insensitive ways. Law enforcement officers, unfortunately, are not immune to these inappropriate reactions.

Inappropriate reactions Officers need to be aware that their own negative reactions can alienate victims and cut off a crucial source of information. The most common negative reactions peace officers demonstrate toward crime victims include:

- disassociation
- blame
- apathy or impatience

By becoming aware of their own feelings and reactions, officers can guard against acting on them and appearing to be insensitive or non-responsive to the victims.

Disassociation Officers often disassociate themselves from a victim by treating the victim as an object rather than a person. This is demonstrated to the victim when an officer performs a procedure correctly but with not regard for the feelings of the victim.

Example: Wearing dark glasses during an interview, making it impossible to maintain eye contact with the victim.

Example: Asking questions in a mechanical manner without attempting to put the victim at ease.

Continued on next page

Peace officer Reactions Toward Crime Victims, Continued

Blame

An officer's comments or actions may imply to a victim a belief that the victim:

- deserved what happened
- caused what happened
- could have prevented what happened

Such belief may be based on:

- personal biases (e.g., "The kids in that neighborhood are all bad." or "She led him on because of the way she dressed")
- an attempt to create a defense mechanism on the part of the officer (e.g., "That could never happen to me because...") or
- a desire for the officer not to appear too human (e.g., "I'm above such things because I'm in control")

Whether or not the victim could have prevented the crime, the perpetrator had no right to commit the crime. Officers must always keep personal biases to themselves.

Continued on next page

Peace officer Reactions Toward Crime Victims, Continued

Apathy or impatience

Reactions of apathy or impatience can be conveyed verbally or nonverbally. Officers, by their own demeanor or words, may indicate that they want to hear “just the facts” and not be bothered with the victim’s feelings or reactions to the crime. Remember principles of Voice and Respect (see cross-reference to Procedural Justice).

Apathy or impatience can be conveyed with words or through body language such as:

- Making minimal eye contact
- Frequently glancing at a watch
- Focusing on other people while interviewing the victim

Officer apathy or impatience can alienate the victim and cut off a critical source of information. While legitimate distractions, especially at a crime scene, are a reality, officers should try to maintain their focus on the victim.

Examples

- (1) An officer responded to a domestic violence call in which the victim was the girlfriend of the suspect. The victim had a broken finger and other bruises and scrapes. The officer took the victim into another room away from the suspect. The officer listened carefully and allowed the victim to vent her emotions numerous times during the interview. Even though the officer felt the woman’s comments were repetitive and time consuming, he took the time to listen.
 - (2) Officers were called to the scene of a home burglary. The victim told the officers “I was just running out to the grocery store. I didn’t lock the door because I hate fumbling with the keys when I’m carrying grocery bags.” Thinking the victim would not hear, one officer comments to his partner, “I’d blow my stack if my wife did a dumb thing like that.” The victim heard the comment and felt the officer was implying that she deserved what had happened to her.
-

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Chapter Synopsis

Learning need	Peace officers must deal effectively and considerately with victims and protect their rights. Peace officers need to understand the psychological trauma experienced by crime victims. Peace officers also need to understand how to defuse crisis situations brought on by the stress of being a crime victim.
Victims of crime [4.01.1]	The <i>victim</i> of a crime is not limited to the person who is the direct target of an attack or other offense. It is critical that peace officers recognize and treat all victims of a crime with respect and compassion.
Victims reactions to crime situations [4.01.5]	Circumstances that lead to a crisis situation for one person may not for another. Accurate assessment of a victim's responses will help officers respond appropriately and can potentially affect the quality of the information a victim is able to provide.
Techniques for defusing a crisis [4.01.6]	By defusing the crisis, officers can help empower victims and aid them in regaining a sense of control and order. There are several techniques to accomplish this.
Negative attitudes toward victims of crimes [4.01.7]	People often react to victims in inappropriate or insensitive way. Law enforcement officers, unfortunately, are not immune to these inappropriate reactions. Officers need to be aware that their own negative reactions can alienate victims and cut off a crucial source of information.

Workbook Learning Activities

Introduction

To help you review and apply the material covered in this chapter, a selection of learning activities have been included. No answers are provided. However, by referring to the appropriate text you should be able to prepare a response.

Activity questions

1. Four-year-old Stephen and his five-year-old friend watch as Stephen's father beats his mother, giving her a black eye and a bloody nose. Is Stephen a direct or indirect victim of this crime? Explain your answer. What about Stephen's friend? What effects, if any, do you think the incident might have on the children?

2. An officer responds to a call for assistance in a shopping mall parking lot. The officer discovers that a 25-year-old woman has just been carjacked at gunpoint. She is bruised and scraped but has no other apparent injuries. The woman is sobbing as the officer arrives. What actions can the officer take to help defuse the crisis and obtain crucial information?

Continued on next page

Workbook Learning Activities, Continued

Activity questions (continued)

3. A 45-year-old woman is sexually assaulted in her own home by a man she met at a singles gathering. When officers arrive, she is crying and unable to focus on the attack. Suggest diversionary reality questions that would be appropriate for responding officers to ask to help the victim regain some sense of control.

4. A man says goodbye to his wife and baby daughter and leaves for work. As he walks the block from the garage to his office, he is killed in a drive by shooting along with the intended target. There are several eyewitnesses, one of whom was close enough to get a license plate number. Four officers respond to the scene, one of whom is just returning to work after the death of his father. Identify the potential direct and indirect victims in the above scenario and explain your rationale.

Ask your instructor to work with you in completing a crime report on this incident. To refresh your memory, turn to the Report Writing Tip in this chapter.

- Identify Intent

 - Identify Action

 - Identify Result

 - Identify the Link
-

Workbook Corrections

Suggested corrections to this workbook can be made by going to the POST website at: www.post.ca.gov

Continued on next page

Workbook Corrections, Continued

Student notes

Chapter 2

Victim Contacts and Assistance

Overview

Learning need Peace officers must be able to provide victims with meaningful information that will assist them in coping with a crisis situation, and support their participation in the investigative and legal process.

Learning objectives The chart below identifies the student learning objectives for this chapter.

After completing study of this chapter, the student will be able to:	Objective ID
• Demonstrate knowledge of the five phases of a victim contact and identify appropriate officer actions during each phase	4.02.1
• Apply the guidelines for interviewing a victim	4.02.2
• Explain the information law enforcement agencies are required by law to provide to victims of criminal acts to include: - Government Code Section(s) 13950-13966 - Victim's Bill of Rights, California Constitution, Article I, Section 28(b), "<u>Marsy's Law</u>"	4.02.3
• Explain qualifications for compensation under the Victims of Crime Compensation Program	4.02.4
• Explain the legal and procedural information available to the victim	4.02.7

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Overview, Continued

In this chapter

This chapter focuses on guidelines for victim contact and assistance as well as information that officers should convey to victims. Refer to the following chart for specific topics.

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Victim Contacts and Interviews

Introduction

A primary goal of officers is to obtain complete and accurate information regarding criminal activity. Officer conduct and actions when first making contact with a victim and throughout their continued interactions can serve to either enhance or hinder this process.

Benefits of appropriate skills

The use of appropriate contact skills when interacting with a victim of crime can provide the officer and the victim with several benefits.

Appropriate contact skills may...	Rationale
improve the quality of the information gathered from the victim	The cooperative level of victims can range from highly motivated to very uncooperative, requiring a range of contact skills.
enhance cooperation of the victim	When victims feel they have developed rapport with the officer, they lower their natural defenses and are generally willing to cooperate.
increase officer confidence and reduce officer stress	Regarding the victim, the officer may take control of the situation and maintain the advantage of objectiveness.
enhance officer safety	An officer's positive presence may be seen as a source of help and assistance rather than a threat.
enhance the victim's recovery	A positive contact with an officer may assist a victim's recovery by: - reinforcing that the victim is not responsible for the crime - allowing the victim to feel actively involved - providing the victim with an opportunity to express emotions in a nonjudgmental setting

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Victim Contacts and Interviews, Continued

Inadequate skills

Inadequate contact skills on the part of officers when interacting with victims can lead to a number of potential problems.

Inadequate contact skills may...	Rationale
• lead to a violent confrontation with the victim	• Victims may not be in an objective frame of mind and may: - act out physically, and - decide to take matters into their own hands and retaliate on their own for the crime.
• jeopardize a possible arrest or prosecution	• The crime scene may not be adequately controlled and may become inadvertently contaminated • The officer, in a desire to help, may reveal inappropriate information, contaminating a victim's potential testimony
• lead to increased complaints and hinder law enforcement /community relations	• An officer's demeanor may cause a victim to perceive law enforcement as being unsympathetic, uninterested, or prejudiced • Delayed law enforcement response may be perceived by a victim or the community as a lack of caring or priority
• hinder the victim's recovery	• Inappropriate language or demeanor may further traumatize the victim • A lack of officer sensitivity may lead to a victim's self-blame or to a feeling of helplessness

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Victim Contacts and Interviews, Continued

Victim contacts

There are five phases that a victim may move through during initial contact with law enforcement officers. Recognition of these phases can help officers gauge their actions as they prepare to interview victims.

The following table presents the five phases of victim contact and appropriate officer actions during each phase:

Phase	Victim Orientation/Description	Officer Actions
Crisis	• shock or disorientation	• ensure safety of victim • stabilize victim and scene • establish order and calm
Urgency	• unpredictable and confused • apprehensive or demanding • vacillating between calm and acute emotional distress	• establish rapport and open lines of communication • obtain other resources e.g., crisis intervention, peer support, other officers if necessary
Affirmation	• making repetitive actions and statements	• focus on the victim, not on the suspect • repeat statements until it is clear that the victim understands
Confirmation	• beginning to focus	• confirm all information gathered

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Victim Contacts and Interviews, Continued

Victim contacts (continued)

Phase	Victim Orientation/Description	Officer Actions
Validation	beginning to confront issues of the incident	- validate the victim's feelings - help the victim prioritize events to reduce confusion - convey and leave information

Victim interviews

Peace officers must remember that an interview with a victim **is not an interrogation**. Officers need to be flexible and adapt their interviewing style to the circumstances and to the victim.

Interviewing guidelines

Officers should conduct victim interviews in a logical, orderly manner. The following table contains guidelines for conducting a victim interview:

Victim Interview Guidelines	
Set the stage by:	- determining whether the victim has any physical injuries and offering medical attention if needed or required - introducing themselves by full name and title - explaining their role and purpose - acknowledging the ordeal the victim has been through and reassuring immediate safety

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Victim Contacts and Interviews, Continued

Interviewing guidelines (continued)

Victim Interview Guidelines	
Set the stage by: (continued)	• providing privacy for the victim during the interview when possible • explaining the purpose of the interview as well as how it will be conducted; this can include: - describing procedures - explaining the reasons for questions that will be asked - informing the victim about how the information will be used
Gather information by:	• allowing victims to relate what happened to them in their own words • validating the feelings and reactions, the victim expresses as normal responses to victimization • giving the victim choices and allowing the victim to make decisions
Provide assistance by:	• determining if the victim has any special needs, immediate concerns, or underlying problems (e.g., medical, emotional, social, financial) and assisting with problem solving • being particularly alert to issues related to the victim's personal safety

Continued on next page

Victim Contacts and Interviews, Continued

Interviewing guidelines (continued)

Victim Interview Guidelines	
Provide assistance by: (continued)	• preparing the victim for future reactions and feelings related to the victimization • giving the victim information about follow-up investigation procedures and resources available for additional help or information • offering to contact a friend or victim/witness advocate to be with the victim (This is required by <i>Penal Code Section 264.2</i> in cases of sexual assault.)

NOTE: *Do not* cut off victims when they are talking about their feelings and reactions.

Be an active listener

Active listening means the *deliberate* and *conscious* act of concentrating on what is being said by a speaker. By using specific active listening techniques, officers are better able to gain a clearer understanding of the situation and help the victims focus and clarify events in their own minds.

If an officer is immediately ready with the next question after a victim has finished one response, that officer has *not listened actively*. The officer was formulating the next question rather than focusing on what the victim was actually saying.

Continued on next page

Victim Contacts and Interviews, Continued

Active listening techniques

The table below identifies active listening techniques that officers can use when interacting with victims.

Technique	Officer Action	Example
Silence	- allow pauses or periods of silence so victim has time to think and formulate answers - this demonstrates respect to the victim and his or her voice	After asking an armed robbery victim, “What happened?” the officer paused and waited for a response before asking for specific details.
Reflective Comments	- officer reflects back what the speaker has said to keep the victim talking and focused - this demonstrates the officer is truly listening and processing what is said	Victim: “I was home alone, and he jumped right through the window (pause)...” Officer (expectantly, after the pause): “He came in through the window...” Victim: “Yeah, and then he...”
Clarifications and Summations	- officer clarifies and summarizes what the victim has said to verify its accuracy - this should occur at a natural break in the victim’s statement, not as repeated interruptions	- after describing a domestic violence incident, the victim paused after stating, “And then he left” - after pausing a moment, the officer responded with a quick summary of her statement and asked, “Is that the heart of what happened?”

Continued on next page

Victim Contacts and Interviews, Continued

Death notification guidelines

There is no way to conduct a death notification to lessen the pain of the loss for relatives or loved ones. Conducting a death notification with a compassionate expression of dignity and respect will help.

Peace officers notifying family or friends of a loved one's death should recognize that the survivors themselves are now victims and may express strong emotions. The notification process itself may serve as a critical event for the survivor and lead to a crisis state.

The following guidelines may assist an officer who must perform this solemn task.

Guidelines for Notifying Family/Friends of a Loved One's Death	
Be Professional	• notification of death should be made in person, whenever possible • notify as soon as possible • if possible, two officers or an officer and a victim advocate should be present at the notification (It is the officer's role to make the actual notification, not the advocate's.) • at least one of the officers should be in uniform
Provide Information	• verify all information before speaking with survivors • move to a quiet location and make them comfortable, if possible • inform of the death simply and directly • do not use euphemisms (e.g., "passed on") • use brief descriptions but avoid being blunt or graphic • write down information as a courtesy

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Victim Contacts and Interviews, Continued

Death notification guidelines (continued)

Guidelines for Notifying Family/Friends of a Loved One's Death	
Be Supportive	• offer to call a friend, relative, or other support person to provide comfort or assistance (If possible, do not leave anyone who resides alone until someone designated by the survivor arrives.) • if identification of the deceased is necessary, transport to and from the hospital or arrange for their transportation • use available local victim support where appropriate
Explain Procedures	• inform them that other law enforcement personnel may need to contact them at a future time • if it is imperative to interview them at this time, do so with compassion • prior to departing the residence, officers should provide their names and telephone numbers. Officers should also provide the name and number for a secondary contact person to be used if the officer is unavailable. (i.e., hospitals, other law enforcement agency, investigators or coroners office)

Victim Assistance Information

Introduction

It is the duty of every law enforcement agency to inform crime victims of the services that may be available to them.

Required information

There are two categories of information law enforcement agencies must, under law, convey to the crime victim pursuant to *Government Code Section 13968(c)*.

Officers must notify victims of the existence of:

- local victim assistance centers
- the California Victims of Crime Compensation Program
- Government Code Section(s) 13950-13966
- Victim's Bill of Rights, California Constitution, Article I, Section 28(b), "Marsy's Law"

NOTE: Marsy's Law Card available at,
http://ag.ca.gov/victimservices/pdf/marsy_pocket_en.pdf.
See pages 2-24 through 2-26 for referenced material

Victims of crime compensation program

Under California law (*Government Code Sections 13950-13969.7*), qualified victims of specified violent crimes **may** receive financial assistance for losses resulting from a crime when these losses cannot be reimbursed by other sources. This program is referred to as the *Victims of Crime Compensation Program*.

NOTE: Peace officers **should not** tell victims they will qualify for compensation, they should only advise them of how to apply for compensation.

Injuries

Injury, for the purposes of qualification for victim compensation, can be either physical or emotional.

However, emotional injuries only apply if they are incurred by a person who:

- also sustains a physical injury or threat of a physical injury
 - is a member of the family of a direct victim
 - is in close relationship to the direct victim, if such a person was present during the commission of the crime
-

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Victim Assistance Information, Continued

Crimes

Government Code Section 13960 specifies individuals who qualify for compensation/restitution through the Victims of Crime Compensation Program.

The crimes typically covered include, but are not limited to:

- murder
- assault with a deadly weapon
- sexual assault
- battery
- child abuse/molest
- child abduction
- stalking
- domestic violence (including child witness)
- driving under the influence (with injury)
- hit and run (with injury)
- robbery
- other violent crimes as defined by statute

NOTE: Victims who are California residents may also qualify even if the crime is committed while that person is temporarily out of the state.

NOTE: Out-of-state residents may also qualify if the crime occurs within California.

Crimes involving vehicles

A crime involving the operation of a motor vehicle, aircraft, or water vehicle which results in injury or death is *not* included when the injury or death is:

- intentionally self-inflicted through the use of the motor vehicle, aircraft or water vehicle
 - by an accident caused by a driver in violation of *Vehicle Code Section 20001* (duty to stop at scene of accident), *23153* (causing an injury while DUI), or *Penal Code Section 190(c)* (vehicular manslaughter)
-

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Victim Assistance Information, Continued

Qualified persons

The following table identifies those persons who may qualify for victim compensation under the Victims of Crime Compensation Program.

Eligible Parties	Parties Not Eligible
A victim who was injured as a result of a crime An “indirect victim” who at the time of the crime, <i>was a resident of California, AND:</i> - was the parent, sibling, spouse, or child of the victim OR - was living with the victim at the time of the crime OR - had lived with the victim for at least two years in a relationship similar to a parent, sibling, spouse, or child of the victim	Persons who committed the crime Persons who contributed to or took part in the events leading to the crime Persons who do not cooperate with law enforcement in the investigation and/or prosecution of known suspects (domestic violence victims are an exception)

Continued on next page

Victim Assistance Information, Continued

**Qualified
persons
(continued)**

Eligible Parties	Parties Not Eligible
OR - was another family member of the victim, including the victim's fiancé, and witnessed the crime Anyone who pays for the medical and/or funeral/burial expenses of a deceased victim	Persons (with the exception of domestic violence) who do not cooperate with the staff members of the appropriate assistance agency(s) or the Victim/Witness Assistance Program in the verification of the claim 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.

NOTE: Officers should keep up to date with amendments to victim qualifications.

NOTE: Agencies are required to make compensation information available to the victims of specified crimes (*Government Code 13968(c)*). They do not make any decisions regarding who is eligible.

NOTE: **Officers should not make promises or give false hopes to victims about financial compensation.**

Legal and Procedural Information

Introduction

Officers may aid victims by providing information on legal and procedural processes.

Such information may include, but is not limited to:

- how to access law enforcement reports and other information
 - legal considerations and restrictions for specific crimes
 - case follow-up procedures
-

Access to reports

Peace officers should inform victims of procedures for obtaining copies of police reports. In the case of a direct victim of a crime, this means providing the victim with:

- the case number of the report
- a telephone number to call to obtain the report number if one is not immediately available
- step-by-step agency procedures for obtaining a copy of the report
- approximate time before report will be available

Indirect victims of crime, especially close family members, will also frequently want information on the case of their loved one.

NOTE: It is the responsibility of officers to be familiar with and follow agency guidelines regarding the access of law enforcement reports to victims of crime.

Continued on next page

Legal and Procedural Information, Continued

Legal considerations and restrictions

When information cannot be released because of special legal considerations and restrictions, officers should take care to explain to the victim why this information must be withheld.

Types of cases which commonly have legal restrictions on the release of some or all of the case information include:

- cases involving juveniles
- matters still under investigation
- certain sex crimes
- family crimes
- crimes involving children
- certain crimes requiring victim confidentiality

NOTE: Law enforcement agencies are forbidden by law from disclosing the address of a person who alleges to be the victim of a sexual assault to anyone except prosecutors, parole officers, or authorized public agencies. Victims of specified crimes may also request that their names be withheld from the public record. If this request is made, such release is illegal, *review Penal Code 293*.

NOTE: Access to records by secondary victims may be limited by confidentiality.

Case follow-up procedures

Officers should give victims a general idea of the follow-up procedures that they may encounter. Advance notice helps victims understand what to expect as the case progresses.

Continued on next page

Legal and Procedural Information, Continued

Case follow-up procedures (continued)

Informing victims of follow-up procedures also benefits officers who are more likely to find victims available and cooperative for follow-up contacts when they have advance notice.

NOTE: Officers are responsible for knowing and following all agency policies and procedures related to providing procedural information to victims.

Making promises

When dealing with victims of crime, officers should be *particularly careful* not to make promises regarding aspects of follow-up over which they have no control over. The table below offers some cautionary examples.

Officers should not make follow-up promises about matters such as:	Inappropriate Statement	Appropriate Statement
when a detective will call	“The detective will call in the morning.”	“A detective may contact you. She should call before she comes to schedule a time.”
when the report will be ready	“The report will be ready tomorrow.”	“The report should be ready as soon as the investigator completes his input. Here’s a phone number; you can call to check on the status.”

Continued on next page

Legal and Procedural Information, Continued

Making promises (continued)

Officers should not make follow-up promises about matters such as:	Inappropriate Statement	Appropriate Statement
how the prosecuting agency will proceed	“The prosecuting agency will file this as a felony.”	“We’ll take our report to the prosecutor, and she’ll decide how to proceed.”
whether the person will be required to appear in court on a later date	“You’ll never be asked to repeat this.”	“It’s not up to me to determine what information the prosecuting agency will use.”

Written information

In the aftermath of a crime, victims are often not able to process information completely or coherently. Therefore, 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.

Officers should be aware of agency policies and procedures for providing written information to victims of crimes.

Chapter Synopsis

Learning need	Peace officers must be able to provide victims with meaningful information that will assist them in coping with a crisis situation and support their participation in the investigative and legal process.
Victim contacts [4.02.1]	There are five phases of victim contact. Recognition of these stages can help officers gauge their actions as they prepare to interview victims.
Interviewing guidelines [4.02.2]	Peace officers must remember an interview with a victim is not an interrogation. Officers need to be flexible and adapt their interviewing style to the circumstances and to the victim. Officers should conduct victim interviews in a logical, orderly manner.
Required information [4.02.3]	By law, there are two categories of information that a peace officer <i>must</i> convey to the crime victim per <i>Government Code Section 13968(c)</i> .
Compensation qualifications [4.02.4]	Certain individuals may be eligible to receive compensation for losses or expenses related to violent crime under the Victims of Crime Compensation Program.
Legal/procedural information [4.02.7]	Officers may aid victims by giving information regarding the legal and procedural issues such as: how to access law enforcement reports and other information, legal considerations and restrictions for specific crimes, and case follow-up procedures

Workbook Learning Activities

Introduction

To help you review and apply the material covered in this chapter, a selection of learning activities has been included. No answers are provided. However, by referring to the appropriate text, you should be able to prepare a response.

Activity questions

1. Imagine you have just been informed that your spouse is a victim of a homicide. As an indirect victim of the crime, outline the information that you would want to receive and the manner in which you would like to have it conveyed.

2. A 25-year-old stabbing victim survived two days before succumbing to her injuries. She is survived by her husband and two small children. The victim had surprised perpetrators who were stealing household electronic equipment which was never recovered. The funeral expenses were paid by her parents. A witness to the crime missed several days of work by testifying at the trial. Identify the individuals in this scenario who may be eligible for compensation and the types of compensation that would be covered. Would any of this differ if the woman and her family had been tourists in California, on vacation from Ohio? Explain.

Continued on next page

Workbook Learning Activities, Continued

Activity questions (continued)

3. Officers receive a call from a woman who has just been raped and appears to be in crisis. Upon arrival, they discover the victim is about 60 years old. Describe the actions to take and/or types of questions the interviewing officer should ask. Specifically, make sure to include the first few statements the interviewing officer might make.

Continued on next page

Workbook Learning Activities, Continued

Activity questions (continued)

4. A highway patrol officer arrived on the scene of a fatal accident, apparently caused by a member of the city council. The council member was suspected of DUI and swerved into opposing traffic. Evidence suggests the council member was driving approximately 55 miles per hour in a 35 mile per hour zone.

The council member survived with minimal injuries, including minor burns from the car's airbag. However, a 16-year-old male driving a much smaller car died of massive internal bleeding caused by his injuries. He was conscious for about five minutes after officers and paramedics arrived, but died at the scene.

After completing her work on the scene, the officer and her partner are tasked to notify the boy's family of the death. Describe the information the officers should provide to the boy's parents. What, if any, information do you think should be left out? How should they begin when met at the door? For what types of reactions should they be prepared for?

Continued on next page

Workbook Learning Activities, Continued

Student notes

Victim's Bill of Rights; Marsy's Law

Victims Bill of Rights; Marsy's Law



Victims' Bill of Rights Marsy's Law



The California Constitution, Article 1, Section 28, confers certain rights to victims of crime. Those rights include:

1. Fairness and Respect

To be treated with fairness and respect for his or her privacy and dignity, and to be free from intimidation, harassment, and abuse, throughout the criminal or juvenile justice process.

2. Protection from the Defendant

To be reasonably protected from the defendant and persons acting on behalf of the defendant.

3. Victim Safety Considerations in Setting Bail and Release Conditions

To have the safety of the victim and the victim's family considered in fixing the amount of bail and release conditions for the defendant.

4. The Prevention of the Disclosure of Confidential Information

To prevent the disclosure of confidential information or records to the defendant, the defendant's attorney, or any other person acting on behalf of the defendant, which could be used to locate or harass the victim or the victim's family or which disclose confidential communications made in the course of medical or counseling treatment, or which are otherwise privileged or confidential by law.

5. Refusal to be Interviewed by the Defense

To refuse an interview, deposition, or discovery request by the defendant, the defendant's attorney, or any other person acting on behalf of the defendant, and to set reasonable conditions on the conduct of any such interview to which the victim consents.

Continued on next page

Victim's Bill of Rights; Marsy's Law, Continued

Victims Bill of Rights; Marsy's Law (continued)

6. Conference with the Prosecution and Notice of Pretrial Disposition

To reasonable notice of and to reasonably confer with the prosecuting agency, upon request, regarding, the arrest of the defendant if known by the prosecutor, the charges filed, the determination whether to extradite the defendant, and, upon request, to be notified of and informed before any pretrial disposition of the case.

7. Notice of and Presence at Public Proceedings

To reasonable notice of all public proceedings, including delinquency proceedings, upon request, at which the defendant and the prosecutor are entitled to be present and of all parole or other post-conviction release proceedings, and to be present at all such proceedings.

8. Appearance at Court Proceedings and Expression of Views

To be heard, upon request, at any proceeding, including any delinquency proceeding, involving a post-arrest release decision, plea, sentencing, post-conviction release decision, or any proceeding in which a right of the victim is at issue.

9. Speedy Trial and Prompt Conclusion of the Case

To a speedy trial and a prompt and final conclusion of the case and any related post-judgment proceedings.

10. Provision of Information to the Probation Department

To provide information to a probation department official conducting a pre-sentence investigation concerning the impact of the offense on the victim and the victim's family and any sentencing recommendations before the sentencing of the defendant.

11. Receipt of Pre-Sentence Report

To receive, upon request, the pre-sentence report when available to the defendant, except for those portions made confidential by law.

12. Information About Conviction, Sentence, Incarceration, Release, and Escape

To be informed, upon request, of the conviction, sentence, place and time of incarceration, or other disposition of the defendant, the scheduled release date of the defendant, and the release of or the escape by the defendant from custody

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Victim's Bill of Rights; Marsy's Law, Continued

Victims Bill of Rights; Marsy's Law (continued)

13. Restitution

- A. It is the unequivocal intention of the People of the State of California that all persons who suffer losses as a result of criminal activity shall have the right to seek and secure restitution from the persons convicted of the crimes causing the losses they suffer.
- B. Restitution shall be ordered from the convicted wrongdoer in every case, regardless of the sentence or disposition imposed, in which a crime victim suffers a loss.
- C. All monetary payments, monies, and property collected from any person who has been ordered to make restitution shall be first applied to pay the amounts ordered as restitution to the victim.

14. The Prompt Return of Property

To the prompt return of property when no longer needed as evidence.

15. Notice of Parole Procedures and Release on Parole

To be informed of all parole procedures, to participate in the parole process, to provide information to the parole authority to be considered before the parole of the offender, and to be notified, upon request, of the parole or other release of the offender.

16. Safety of Victim and Public are Factors in Parole Release

To have the safety of the victim, the victim's family, and the general public considered before any parole or other post-judgment release decision is made.

17. Information About These 16 Rights

To be informed of the rights enumerated in paragraphs (1) through (16).

For more information on Marsy's Law, visit the Attorney General's website at: www.ag.ca.gov/victimservices

To obtain information on the Victim Witness Assistance Center nearest to you contact:

Attorney General's Victim Services Unit
1-877-433-9069

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Victim's Bill of Rights; Marsy's Law, Continued

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Glossary

Introduction

The following glossary terms apply only to Learning Domain 4: Victimology/Crisis Intervention.

active listening

The deliberate and conscious act of concentrating on what is being said by a speaker

direct victims

Persons who have had a crime perpetrated against them or who have suffered economic loss, physical injury, emotional trauma, or death as a direct result of a crime.

diversionary reality questions

Simple, realistic, and nonthreatening questions that may not be directly related to the crime itself

empathy

Ability to identify one's self mentally with a person or event and so understand that person's feelings or the event's meaning

extreme responses

Responses that are intense or that seem to an objective observer to be out of proportion to the circumstances

inappropriate responses

Responses that are in conflict with other verbal or physical cues or physical evidence

indirect victims

Family members or persons who are in a close relationship to the direct victim, or witnesses who suffer emotional trauma and/or economic loss as a result of a crime, or individuals or a group or community.

“Marsy’s Law”

Victim’s Bill of Rights, California constitution, Article I, Section 28(b)

sympathy

Sameness of feeling, a connection between persons
