



TRINITY COUNTY SEXUAL ASSAULT RESPONSE TEAM PROTOCOL

Members: Trinity County Child Welfare Services
Trinity County District Attorney's Office
Trinity County Sheriff's Office
Trinity Hospital
Human Response Network

Revised 2013

An interagency working protocol specific to the delivery of services to victims of sexual assault for the purpose of reducing trauma suffered by adult, adolescent, and child crime victims, while supporting investigative and criminal justice processes.

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**TRINITY COUNTY
SEXUAL ASSAULT RESPONSE TEAM (SART)
PROTOCOL FOR ADULTS/ADOLESCENTS AND CHILDREN**

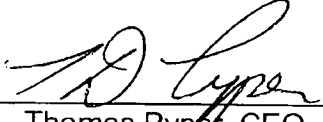

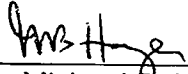

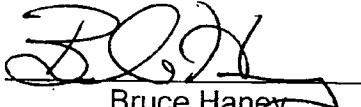
MISSION STATEMENT

The mission of the Trinity County Sexual Assault Response Team is to reduce the trauma suffered by victims of sexual assault and to support the investigative/court process by enhancing the quality of evidence collection, coordinating an effective criminal investigation, and successfully prosecuting sexual assault cases in Trinity County.

PARTICIPATING AGENCIES

Signatures

Date

- | | | |
|--|---|------------|
| <ul style="list-style-type: none"> • Trinity Hospital
(TH) | 
<hr style="width: 100%;"/> Thomas Pypor, CEO,
Mountain Communities Healthcare District | 1/29/13 |
| <ul style="list-style-type: none"> • Human Response Network
(HRN) | 
<hr style="width: 100%;"/> Marjorie J. Lee, Executive Director | 1/24/13 |
| <ul style="list-style-type: none"> • Trinity County District Attorney
And Victim Witness Assistance Program
(DA) (VWAP) | 
<hr style="width: 100%;"/> Michael B. Harper,
District Attorney | 1/25/13 |
| <ul style="list-style-type: none"> • Trinity County Child Welfare Services
(CWS) | 
<hr style="width: 100%;"/> Linda Wright, Director
Trinity County Health and Human Services | 1/29/13 |
| <ul style="list-style-type: none"> • Trinity County Sheriff's Office
(TCSO) | 
<hr style="width: 100%;"/> Bruce Haney,
Trinity County Sheriff | 01/28/2013 |

SART PURPOSE

To reduce the trauma suffered by adult, adolescent, and child crime victims of sexual assault or abuse during the investigative/criminal justice process by establishing an interagency working protocol for the investigation of all such cases within Trinity County. This SART Protocol is an active Victim Focused Model that implements the delivery of services to victims of sexual assault by:

1. Shortened time from victim report to medical-legal examination through:
 - a. A system for case reporting to law enforcement
 - b. A designated site for evidence collection.
 - c. A written script for triage nurse to follow defining a victim's right to decline or agree to involvement with law enforcement.
 - d. Streamlined communications between law enforcement and health care.
2. Assurance of Privacy for the Victim:
 - a. A separate setting from the Hospital Emergency Department for the medical-legal examination
 - b. A waiting room separate, and a reasonable distance from the interview room.
 - c. Consent by minors over 12 years old for the medical-legal examination, treatment, and an explanation of the findings without the consent of a parent. (see page 30; Family Code §6927 and §6928)
 - d. HRN's Rape Crisis Center certificated sexual assault victim advocate present to describe the right to victim advocacy and once accepted, provide emotional support, initial crisis intervention, and the medical-legal examination.
3. Provision of Emotional Care
 - a. Officers, Detectives, Nurses, Attorney's, Social Workers and Victim Advocates trained in techniques to affirm and support victims so as to help the victim rebuild self-respect, limit self-blame and pursue prosecution.
4. Services of an Expert Sexual Assault Nurse Examiner (SANE)
 - a. A SANE that is specially educated and experienced in care of victims and suspects.
 - b. Demonstrated willingness to work with sexual assault victims, law enforcement, and prosecutors in prosecuting the cases and testifying in court.
5. Improved Communication
 - a. An interdisciplinary team consensus, in which members facilitate each other in their roles with the goal of timely, efficient service to the victim while recognizing the Evidence Code §1305.8 confidentiality privilege a sexual assault victim holds.
 - b. Open networking with all SART member agencies on the documentation that is needed in order to clarify the case.
 - c. Communication with the (HRN) victim advocate about scheduling appointments for the crime victim using HRN advocacy services, such as for follow-up interviews, for criminal justice appointments, or other meetings related to the crime.

SART MEMBERS AGREE TO

1. Respect the human dignity and uniqueness of the victim, unrestricted by considerations of race, age, social or economic status, personal attributes, or the nature of any health problems.
2. Minimize unwarranted attention and publicity, and protect the victim's anonymity.
3. Employ appropriate interviewing techniques that take into consideration the victim's physical and psychological trauma. Communicate in a manner that initiates trust and open communication, remain cognizant of and desist from victim blaming comments or questions.
4. Share all investigative information with member SART agencies, as appropriate, within the limits of confidentiality mandates pertinent to each discipline.
5. Meet periodically to review the process of SART response with the intent of improving the SART response experience for victims of sexual assault.

SEXUAL ASSAULT VICTIM RIGHTS

FEDERAL RIGHT TO A SEXUAL ASSAULT EXAMINATION

The Federal Violence Against Women Act (VAWA) 2005 (42 U.S.C. 3796gg-4(d)) created two federal rights for individuals self-identifying as victims of sexual assault:

- The right to a Sexual Assault Forensic Medical Examination at no cost to the victim/patient.
- Provision of Sexual Assault Forensic Medical Examination without any requirement or obligation to cooperate with law enforcement or obligation to participate in criminal justice proceedings.

California's Sexual Assault Victim Rights:

1. To have their name kept confidential according to the Jane Doe Law PC§ 293.5.
2. To give or withhold consent for a sexual assault forensic examination. California Family Code §6927 and §6928 permits individuals 12 years old and above the right to consent or decline consent to a forensic sexual assault examination. Consent given by a minor is not subject to disaffirmance because of minority. Family Code § 6921.

3. The right to a sexual assault forensic examination at no cost to victim/patient. P.C. § 13823.95.
4. To have an abbreviated sexual assault forensic medical examination without any requirement or obligation to cooperate with law enforcement or obligation to participate in criminal justice proceedings. P.C. § 13823.95
5. To have a sexual assault victim advocate and other support person of their choosing present at any evidentiary, medical examination or interview. The support person may be excluded if law enforcement officer or medical provider determines that the presence of the individual would be detrimental to the purpose of the examination. PC § 264.2
6. To have a sexual assault victim advocate and other support person of their choosing present at any interview by law enforcement authorities, district attorney or defense attorneys. The support person may be excluded if law enforcement authorities, district or defense attorneys determine that the presence of the individual would be detrimental to the purpose of the interview. P.C. § 679.04
7. To stop the sexual assault forensic examination at any time.
8. To be treated with dignity by law enforcement, medical and legal personnel.
9. To be treated without prejudice regarding race, gender, age, class, occupation, or sexual orientation.
10. To not be questioned about irrelevant and unrelated sexual experiences.
11. To be given a written copy of Marsy's Law Victim Bill of Rights.

CaIEMA FORENSIC MEDICAL EXAMINATION FORMS
ADULT/ADOLESCENT VICTIMS OF SEXUAL ASSAULT

USED TO DISTINGUISH BETWEEN IMMEDIATE VICTIM COOPERATION WITH LAW ENFORCEMENT AND UNSURE VICTIMS

- For a victim of sexual assault immediately agreeing to cooperate with law enforcement, the standard CaIEMA 2-923 forensic medical examination form, collection, and preservation of evidence procedures is followed.
- For a victim of sexual assault that is unsure of participation with law enforcement, the new sexual assault medical examination form CaIEMA 2-924 is indicated.
- Law enforcement has the option of requesting that the local SART or medical facility use the CaIEMA 2-923 regardless of whether the victim chooses to

participate with them, or not; and law enforcement will pay the local negotiated rates for these examinations.

STANDARDS OF PRACTICE

SART specific standards of practice are described in subsequent sections.

SART is available to respond 24 hours a day.

In general, a SART response takes place as follows:

1. When a sexual assault victim presents at the hospital requesting a forensic examination within 72 hours of a sexual assault, the Trinity Hospital emergency room personnel will notify the TCSO, the HRN, and/or the SART Coordinator.
2. Emergency room medical personnel will assess the patient for immediate need of medical response to injuries.
3. HRN or the SART Coordinator will arrange for the HRN victim advocate to respond to the site within 20 minutes.
4. The responding law enforcement officer will authorize the forensic examination but will not make victim contact until the HRN victim advocate has met with the victim and ascertains the victim's decision to cooperate or not to cooperate with law enforcement.
5. The HRN victim advocate will be introduced to the victim by medical staff, provide information to the victim about advocacy services, explain the victim right to a no-cost forensic examination, their right to cooperate or not cooperate with law enforcement in pursuing investigation and prosecution of the crime, and the likely consequences of either choice.
6. The forensic examiner will collect forensic evidence utilizing the sexual assault evidence kit, performing a colposcopy examination, as appropriate.
7. Items of evidence, films, videotapes, biological specimens and reports, will be secured to the TCSO in accordance with the established rules of evidence that will maintain the chain of custody.
8. Any additional need for further evidentiary examination shall be determined by the TCSO and the District Attorney's Office.
9. The HRN victim advocate will explain the process, time period for storage, and destruction of the victim's evidence kit when the victim has not chosen to cooperate with the criminal justice process.

10. The HRN victim advocate will assess and assist the victim with aftercare needs such as transportation, and immediate shelter. The victim advocate will provide follow-up contact to assess ongoing needs of the victim.

SEXUAL ASSAULT VICTIMS' DNA BILL OF RIGHTS PC § 680

Law enforcement assigned to investigate a sexual assault offense specified in PC Section 261, 261.5, 262, 286, 288a, or 289 should perform a DNA testing of rape kit evidence or other crime scene evidence in a timely manner.

Per PC §680(e) rape kit evidence shall be stored by law enforcement for 2 years, per PC §803(B). In unsolved cases, the victim will be informed 60 days before their rape kit evidence is destroyed. Contact information for the victim is the responsibility of the victim who may designate a sexual assault victim advocate or other support person of their choosing to act as the recipient to be notified of the planned destruction of rape kit evidence.

SART TEAM MEMBERS

The SART team will consist of a detective from the T. C. Sheriff's Office, an attorney and investigator from the Office of the District Attorney, an ER doctor and/or nurse, a victim advocate from the Human Response Network, a Child Welfare Services staff person, and a Victim Witness Assistance Program representative.

It is expected that all agency designated SART members will be trained according to the following agreed upon standards.

1. SHERIFF'S OFFICE – The member will be a Detective. The Detective will have fulfilled P.O.S.T. requirements prescribed for sexual assault investigations.
2. SEXUAL ASSAULT EXAMINER – The member will be a physician, physician assistant, or registered nurse licensed to practice in California. Preferably, the member will have attended a California Clinical Forensic Medical Training Center course.
3. VICTIM ADVOCATE – The member will be a victim advocate from the Human Response Network. Advocates will have completed a CAL EMA certified SART training course and be certified as a sexual assault victim advocate.
4. DISTRICT ATTORNEY – The member shall include an attorney and investigator. The attorney will have completed a course on Sexual Assault provided by the California District Attorneys Association. The investigator will have fulfilled P.O.S.T. requirements prescribed for sexual assault investigations:

5. TRINITY HOSPITAL – The member will be a SANE or a liaison to the medical staff and able to coordinate to assure space and equipment is appropriate and available, and that billing for forensic examination services does not go to victims of these crimes nor to their insurance.
6. VICTIM WITNESS ASSISTANCE PROGRAM – The member will assist victims in applying for compensation under the Victim Witness Assistance Program.
7. CHILD WELFARE SERVICES – Child Welfare Services will assess the level of risk to the children of in-home sexual abuse cases, and will take steps to ensure protection of the children. CWS will arrange for sexual assault forensic examinations for children as appropriate. Social workers specifically trained in forensic interviewing of child abuse victims will be available to assist the Sheriff's Office Investigators with forensic interviews of child victims

TRINITY COUNTY SHERIFF'S OFFICE (TCSO):
PROTOCOL FOR ADULT/ADOLESCENT SEXUAL ASSAULT VICTIMS

1. The TCSO will arrange for the victim's immediate protection and continued safety from further assault.
2. The Sheriff's Office will recognize the victims right to victim advocacy and shall involve a Human Response Network sexual assault victim advocate in the initial interview of all sexual assaults.
3. Officers will understand that the HRN victim advocate will be present to assist and support the victim and the victim's family before, during, and after the interview.
4. When an adolescent or adult cooperative victim discloses the sexual assault within 72 hours of the event, the TCSO shall authorize, and pay for the forensic medical examination. This is considered an urgent priority to prevent deterioration of evidence. The need for a forensic examination shall be evaluated in those cases that are disclosed after the 72-hour period and a forensic examination arranged for as appropriate.
5. In accordance with PC §13823.95 the victim has a right to choose to have a forensic medical examination without cooperating with law enforcement. The Sheriff's Office will authorize and pay for the abbreviated examination, maintain the chain of custody and transport the evidence kit to storage.
6. The patrol deputy responding to an initial report of adult sexual assault shall inform the victim that a detective will also be contacting the victim for a more in-depth

interview of the details of the crime. The patrol deputy shall inform the victim of HRN's victim advocate services and provide the victim with the "blue card".

TRINITY COUNTY SHERIFF'S OFFICE: PROTOCOL FOR CHILDREN

1. The Sheriff's Office is responsible for conducting the initial criminal investigation of certain child sexual abuse cases.
2. In the event that the officer believes that abuse has occurred based on the evidence initially obtained, and the parents are NOT cooperative, law enforcement has the authority to temporarily detain the child and release him or her to Child Welfare Services for further investigation, based on W&I Code 300(d) (see Appendix) which grants authority for children to come under the temporary protection of the court, pending further dependency proceedings.
3. The investigation will include obtaining all pertinent facts and evidence that will enable the District Attorney's Office to consider charges and prosecute alleged perpetrators.
4. The Sheriff's Office investigators will conduct an initial interview with victims and witnesses. The Sheriff's Office and Child Welfare Services will collaborate to facilitate the least traumatic interview for child abuse victims.
5. These interviews will be recorded both on audio and video tape. In the event video recording is not possible, the interview will be recorded on audio tape.
6. The Sheriff's Office supports the victim's right to advocacy and will involve a Human Response Network sexual assault victim advocate in the initial interview of both family member and non-family member sexual assault.
7. Officers will arrange for the HRN victim advocate to be present to assist and support the victim and the victim's family prior to, during, and following the interview.
8. The Sheriff's Office will notify the Trinity County Child Welfare Services immediately when an in-home molest or sexual abuse incident has occurred.
9. The Initial Responding Officer will complete the required form PC 11166 when the form has not already been filed by another agency.
10. The Sheriff's Office will coordinate their investigation with the District Attorney's Office and Trinity County Child Welfare Services in an effort to facilitate the protection of the victim and the prosecution of alleged perpetrator(s).

SEXUAL ASSAULT MEDICAL EXAMINER

1. The sexual assault examiner may be a physician or other health professional licensed to practice in California.
2. The examiner will be familiar with the State Protocol for the examination of sexual assault victims. For information or assistance completing the forensic medical reports, contact the California Clinical Forensic Medical Training Center at (916) 930-3080 or on-line at www.ccfmtc.org.
3. The examiner will follow health practitioner reporting laws. Penal Code § 11160.
4. The examiner explains the right of the patient/victim to have a sexual assault victim advocate and another support person in attendance during the medical-legal examination.
5. The examiner supports the victim's right to decline an advocate, once the patient is in full understanding of the supportive purpose of an advocate.
6. The examiner will explain the medical-legal examination process before obtaining written consent from the victim for permission to proceed with the examination.
7. The examiner will obtain legal authorization for the examination and an incident/case number from law enforcement.
8. An abbreviated medical-legal examination evidence kit from an undecided or uncooperative sexual assault victim shall be identified with the incident/case number only.
9. The forensic medical-legal examination is to be performed in compliance with the California Medical Protocol and local guidelines.
10. The examiner will be aware of the victim's emotional state and attentive to her/his needs during the exam and will be prepared to do less than a full exam if requested by the victim.
11. The examiner will provide testimony as needed in criminal proceedings regarding observations and findings from the evidentiary examination and the handling of evidence.
12. Medical History: The primary focus of questioning by the medical examiner is to obtain and fully document as complete a medical history as possible, pursuant to the State's medical protocol. It is not an "interview" in the criminal investigation sense, although with a cooperative victim's permission, the SART investigator may be present to listen, suggest questions during this portion of the medical exam, and then exit the exam room prior to the physical examination.

HUMAN RESPONSE NETWORK **(HRN)**

The Human Response Network will provide certified sexual assault victim advocates to deliver advocacy services according to CalEMA Rape Crisis Center standards. Contact number: (530) 623-2024 business hours, (530) 623-HELP after hours, weekends, holidays.

1. An on-call sexual assault victim advocate (victim advocate) will be contacted through the 623-HELP line or business center 623-2024 to respond to the hospital setting in order to reduce the level of trauma experienced by victims.
2. The victim advocate will explain the victim's rights, and how an advocate can be supportive of the victim. The victim advocate will describe the medical and criminal justice process. If the victim **declines** the services of a victim advocate, the advocate will leave written materials for the victim and exit. If the victim **agrees** to use the services of an advocate;
3. The victim advocate will learn if victim is willing to cooperate with law enforcement or is undecided at this time and will inform the SANE and the law enforcement officer of the victim's decision.
4. The victim advocate will describe for the victim the forensic medical examination process. Education about Rape Trauma Syndrome is provided to appropriate aged victims, and/or to their parent(s).
5. The victim advocate does not participate in the collection of evidence nor transports nor holds the evidence kit at any time.
6. The victim advocate will be supportive of the victim/survivor's rights when necessary and appropriate to assist the victim in getting her/his needs met.
7. The victim advocate communicates with the sexual assault victim during the examination, and during interview investigations to help the victim maintain their sense of personal control of the situation.
8. The victim advocate reinforces explanations by SANE, law enforcement, prosecutors, and CWS.
9. The victim advocate works collaboratively with SART members to ensure the provision of quality victim sensitive services.
10. The victim advocate provides court support, at the request of the victim, by attending interviews, hearings, or trials with, or on behalf of the victim. Based upon a victim's release of confidential information, the advocate maintains communication with law enforcement, prosecutors, VWAP, probation, medical, and child welfare services. The victim advocate provides ongoing current information to the victim regarding criminal justice case status and case disposition.
11. In those cases where a victim has chosen not to cooperate with law enforcement, the victim advocate will provide peer counseling, advocacy, and crisis management services at the request of the victim.

TRINITY COUNTY DISTRICT ATTORNEY

The District Attorney's Office will prosecute criminal cases, which are filed when evidence is sufficient to support criminal charges and will participate in the overall investigation when possible.

1. Be present at the victim interview.
2. Provide suggestions for follow-up questions during the interview process.
3. Be available for consultation to all other involved agencies.
4. Conduct follow-up investigations when necessary.

The Prosecutor:

1. Utilizes a vertical prosecution model in order to reduce the trauma to the victim.
2. Evaluates cases submitted by law enforcement.
3. Advises the victim of her/his right to be identified as Jane or John Doe in all records and during proceedings if:
 - a. The court finds it reasonably necessary to protect the victim's privacy.
 - b. It will not unduly prejudice the prosecution or the defense.
4. Determines if sufficient credible evidence exists to support prosecution.
5. Informs victims of the status of the case from the time of the initial charging decision to sentencing.
6. Advises the victim of his/her right to have a support person and advocate present during interviews and in court.
7. Discourages case continuances per PC 1048 (Appendix H)
8. Explains the reasons for continuances and seeks mutually agreeable dates for hearings that are rescheduled.
9. Arranges for interpreting services for victims and witnesses when necessary to assist a victim to understand questions and frame answers.
10. Brings to the attention of the court the views of the victim on bail decisions, continuances, plea bargains, dismissal, sentencing, and restitution.
11. Pursues to the fullest extent that the law allows, those defendants who harass, threaten or otherwise attempt to intimidate or retaliate against victims or witnesses.
12. Arranges for the prompt return of the victim's property if it is no longer needed as evidence in court.
13. Seeks no contact orders as conditions of bail or own recognizance release.
14. Includes the victim whenever possible in decisions concerning the filing of the case, the reduction of charges, plea bargain offers, dismissal, or other possible case dispositions.
15. Responds to inquiries by the victim as soon as possible.
16. Consults with law enforcement, health care personnel, and rape crisis advocates in the furtherance of the prosecution of the case.

17. Notifies the victim of his/her rights regarding HIV testing of defendant. This protocol statement does not deal with post-conviction situations, which are primarily the courts' responsibility. On the other hand, it will periodically be appropriate to seek a pre-conviction court order that the defendant submits to AIDS testing. H&S Code §121055.

- a. AIDS TESTING PROCEDURE: All cases will be reviewed at intake to determine if the facts of the case support the victim's right to seek blood testing from the defendant.
 - i. The intake deputy district attorney shall note on the worksheet that the victim should be notified that an AIDS testing order can be sought.
 - ii. In filing the complaint, the intake deputy district attorney will preserve the victim's confidentiality by using only the first initial and last initial in the pleading.
 - iii. In cases where peace officers, fire fighters or emergency medical personnel are victims, a special allegation shall be added to the applicable offense to allege that the defendant "interfered with the official duties of the" peace officer, etc. "by biting, scratching, spitting, or transferring blood or other bodily fluids on, upon, or through the skin or membranes of" the peace officer, etc. "within the meaning of Health and Safety Code section 121060."
- b. The case will be reviewed to determine if the requisite "probable cause" to obtain court ordered blood testing exists. If so, the deputy district attorney shall contact the appropriate Victim's Right Advocate who can notice and give to the victim a letter, depending on whether the victim is an adult or minor.
 - i. The probable cause requirement for eight listed sex offenses (P.C. 261, 261.5, 626, 266b, 266c, 286, 288, and 288(a) as specified in the Health and Safety Code section 121055 is merely: That a possible transfer of blood, saliva, semen or other bodily fluid took place between the defendant and victim.
 - ii. The probable cause requirement for any other crime, as specified in Penal Code Section 1524.1 is:
 1. That the defendant committed a crime, and ;
 2. That blood or semen has been transferred from the defendant to the victim (the Department of Health Services may later add other bodily fluids).
 - iii. OFFICER VICTIMS: The notice requirement applies only to civilian victims, not peace officers, fire fighters, or emergency medical personnel. We do not have the standing to formally represent them by filing a petition on their behalf. However, we wish to be of as much help as we can be in this regard to advise officers and their departments about court procedures.
 - iv. VICTIM CONTACT: The assigned deputy district attorney has the responsibility to contact the victim to arrange an interview in our office to inform the victim of his/her options regarding asking for testing from the court. This notice should not be mailed to the victim or discussed at length over the telephone. We wish to avoid unnecessary alarm and

breaches of confidentiality that could occur by presenting these notices other than in person.

1. Human Response Network should be informed of the scheduled interview date and a representative will be present to assist in the presentation of the victim notice letter. If the victim wishes to have us file a petition for court ordered blood testing, the victim must sign a Request for Court Order or request such an order in writing.
 2. It is our policy not to attempt in any way to discourage a victim from seeking blood testing from the defendant if the victim indicates a desire to do so. Health and Safety Code § 121055 gives the sex-offense victim the right to file a petition personally or have our office file on his/her behalf. Penal Code § 1524.1 leaves room for a similar interpretation. However, it is our policy to assist civilian victims by filing on their behalf in all cases.
- v. PETITIONS/DECLARATIONS: When Health and Safety Code §121055 is applicable (listed sex offenses), the procedure requires that we file an original petition with the court. Since this petition is an original pleading, it should receive a different docket number from that assigned to the underlying complaint and proceeds independently.
1. When Penal Code § 1524.1 is applicable (non-sex offenses), the procedure requires a unique kind of search warrant to be heard in conjunction with the underlying case. This should be handled much like a motion in the case, with the same docket number as the underlying complaint.
 2. In either case, we will preserve the victim's confidentiality by keeping the victim's written request for a court order in our file. The petition or declaration refers to the written request, but we will not file it in court.
- vi. HEARING PROCEDURES: When Health and Safety Code § 121055 applies (listed sex offenses), we will file an original petition and seek a hearing as soon as practical. There is no need to wait for a preliminary hearing in these cases. In all other cases, where Penal Code 1524.1 applies, we will file our declaration for a search warrant as soon as practical, but the time for the hearing will vary. In felony cases where a preliminary hearing is actually held, the statute requires that the hearing be held by the magistrate immediately after the preliminary hearing. In all other cases, we will seek a hearing at any appropriate time before final disposition. Penal Code § 1524.1(b) (1) allows a hearing in "those cases in which a preliminary hearing is not required to be held".
- vii. Pursuant to both statutory schemes, the hearing is an adversary one. This is an unusual approach to a search warrant, but Penal Code § 1524.1 clearly requires it. However, in both instances we will conduct the hearing solely on declarations without calling witnesses.
- viii. Whenever possible, we should avoid the necessity of a hearing on the petition or declaration by requesting a stipulation to testing. This is

particularly appropriate where the defendant is entering a negotiated plea, is receiving a dismissal or the felony filing is being stipulated to be tried as a misdemeanor. We should not waive preliminary hearing without obtaining a stipulation to a testing order.

- ix. MISDEMEANOR PLEAS: Frequently a person charged with misdemeanors pleads guilty at arraignment. It is not entirely clear from the statutory scheme whether jurisdiction is preserved to order testing after a defendant has been sentenced. If necessary, we shall contend that the filing of a complaint is merely a condition precedent to seeking a court order at some appropriate time, but there is nothing in the statute that requires the case to still be pending.
 - 1. In order to avoid litigating that issue until clarifying legislation can be sought, in any case where the defendant wishes to enter a plea and be sentenced before we have completed the blood testing litigation, the deputy district attorney should attempt to obtain a stipulation to testing or request that the court grant a brief continuance between plea and sentencing in order to file the appropriate petition or declaration. A deputy district attorney should not enter into a negotiated plea without a stipulation to testing.
- x. COURT ORDER: The District Attorney is not permitted to use the results of pre-conviction AIDS testing for any purpose. We will, therefore, avoid learning what those results are. The sex offenses and Penal Code § 1524.1 search warrants for non-sex offenses, each order the release of a sealed copy of the results to the Human Response Network, to be delivered unopened to the victim. This is necessary because we will be preserving the victim's confidentiality throughout this process and the court will not know exactly to whom or where to send the results.

VICTIM WITNESS ASSISTANCE PROGRAM COORDINATOR

Information about the California Victim Compensation and government Claims Board can be found at www.vcgcb.gov or use a search engine with the words California Victim Compensation Program. The Trinity County Victim Witness Assistance Program coordinator contact number is (530) 623-8357 or 623-1304.

1. Will provide information and education about the California Victim Compensation Program to victims and family members.
2. Will assist the victim in preparing and submitting the application forms to receive compensation from the State Restitution Fund.

3. Will collaborate with the HRN victim advocate serving the sexual assault crime victim to obtain additional information needed from the victim and to provide updates on the application process to facilitate the victim's VWAP Claim.

TRINITY HOSPITAL

1. Will comply with health practitioner reporting laws. (Penal Code § 11160) (see Appendix)
2. Will develop and provide a separate space to accommodate sexual assault examinations, as possible.
3. Will designate a nursing employee for membership on the Trinity County SART.
4. Victims requiring physician-level medical care will be admitted to the Emergency Department.
5. In the event the patient requires physician-level emergency medical care, the hospital will bill as with all ER services. The victim may not be billed for the forensic medical examination. Medical examination, diagnostic testing, and treatment for *injuries* are not part of a sexual assault forensic medical examination. Payment for medical examination, diagnostic testing, and treatment for injuries is the same for all crime victims. For patients with health insurance, or patients who are Medi-Cal or Medicare eligible, the practice in California is to bill insurance. For patients cooperating with law enforcement with no health insurance, an important option is the California Victim Compensation Program. Government Code Section 13956(b) (1) and California Code of Regulations, Title 2, Section 649.59 defines "cooperation" as a victim/survivor who reasonably cooperates with any law enforcement agency in the investigation of the qualifying crime, the apprehension of the perpetrator, and/or the prosecution of the perpetrator. If the victim/survivor knowingly and deliberately fails to "cooperate" with law enforcement to investigate, apprehend, or prosecute, she or he shall not be eligible for assistance from Victims Compensation and Government Claims Board. However, the law recognizes that there may be mitigating factors that negate the requirement that the victim/survivor "cooperate" with law enforcement as defined above.

CHILD WELFARE SERVICES

1. Child Welfare Services assesses the level of risk to the children of in-home sexual abuse cases and will take steps to insure protection of the children.
2. Child Welfare Services receives and assigns referrals to Emergency Response Social Workers for initial assessment. If the assessment indicates a need for further

investigation, the CWS ER social workers will collaborate with Trinity County Sheriffs Office and the District Attorney's Office to arrange for the forensic interview of the child victim.

3. In the event a forensic sexual assault medical examination is required, Child Welfare Services will coordinate with the Trinity County Sheriff's Office to arrange for the examination.
4. The CWS ER Social Workers will contact the Human Response Network and arrange for a sexual assault victim advocate to meet with the child and the child's caregiver prior to and during the interview as indicated by PC §679.04.
5. In an imminent risk situation, the CWS ER workers will arrange to have the child placed in protective custody, per W&I Section 324.5.
6. Arrangements will be made to have the interview scheduled as soon as possible in coordination with law enforcement.
7. Child Welfare Workers will arrange with the HRN victim advocate to be present to assist and support the victim and the victim's family prior to, during, and following the interview.

REGARDING MANDATED REPORTERS:

California state law requires all mandated reporters to make a report if they reasonably suspect or have knowledge that abuse/neglect has occurred. Failure of a mandated reporter to report known or suspected child abuse/neglect, is a crime, punishable as a misdemeanor under California law.

Procedure:

- i. When a child discloses information that is a suspicion of abuse, the mandated reporter should listen carefully. Provide a quiet, private place and restrict questions to only those necessary to complete the required reporting form. At no time should a mandated reporter assume an investigative role nor attempt to obtain a detailed or extensive history of abuse. Once a reporter has received information that raises a suspicion of abuse a report should be made and further questioning should cease.
- ii. Contact Child Welfare Services or Law Enforcement immediately, then complete the Suspected Child Abuse reporting form provided by the

California Department of Justice (Penal Code § 11166) available at www.ag.ca.gov/childabuse/pdf/ss-8572.pdf.

- iii. Send the written report to the appropriate agency within 36 hours.
- iv. Upon receiving the information, CWS or law enforcement may send an investigator to the site to interview the child. It is not within the law for the mandated reporter to conduct or sit in on the interview.
- v. Mandated Reporters do not notify parents of the report. The agency that received the 11166 report has the responsibility for doing this.

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CODE SECTIONS

FEDERAL RIGHT TO A SEXUAL ASSAULT EXAMINATION

The Federal Violence Against Women Act (VAWA) 2005 (42 U.S.C. 3796gg-4(d)) created two federal rights for individuals self-identifying as victims of sexual assault:

- The right to a Sexual Assault Forensic Medical Examination at no cost to the victim/patient.
- Provision of Sexual Assault Forensic Medical Examination without any requirement or obligation to cooperate with law enforcement or obligation to participate in criminal justice proceedings.

Penal Code §264.2.

(a) Whenever there is an alleged violation or violations of subdivision (e) of Section 243, or Section 261, 261.5, 262, 273.5, 286, 288a, or 289, the law enforcement officer assigned to the case shall immediately provide the victim of the crime with the "Victims of Domestic Violence" card, as specified in subparagraph (G) of paragraph (9) of subdivision (c) of Section 13701. Trinity County Sheriff's officers hand out the "Blue Card" in compliance with this section.

(b) (1) The law enforcement officer, or his or her agency, shall immediately notify the local rape victim counseling center, whenever a victim of an alleged violation of Section 261, 261.5, 262, 286, 288a, or 289 is transported to a hospital for any medical evidentiary or physical examination. The victim shall have the right to have a sexual assault counselor, as defined in Section 1035.2 of the Evidence Code, and a support person of the victim's choosing present at any medical evidentiary or physical examination.

(2) Prior to the commencement of any initial medical evidentiary or physical examination arising out of a sexual assault, a victim shall be notified orally or in writing by the medical provider that the victim has the right to have present a sexual assault counselor and at least one other support person of the victim's choosing.

(3) The hospital may verify with the law enforcement officer, or his or her agency, whether the local rape victim counseling center has been notified, upon the approval of the victim.

(4) A support person may be excluded from a medical evidentiary or physical examination if the law enforcement officer or medical provider determines that the presence of that individual would be detrimental to the purpose of the examination.

Penal Code §293.5.

(a) Except as provided in Chapter 10 (commencing with Section 1054) of Part 2 of Title 7, or for cases in which the alleged victim of a sex offense, as specified in subdivision (e) of Section 293, has not elected to exercise his or her right pursuant to Section 6254 of the Government Code, the court, at the request of the alleged victim, may order the identity of the alleged victim in all records and during all proceedings to be either Jane Doe or John Doe, if the court finds that such an order is reasonably necessary to protect the privacy of the person and will not unduly prejudice the prosecution or the defense.

(b) If the court orders the alleged victim to be identified as Jane Doe or John Doe pursuant to subdivision (a) and if there is a jury trial, the court shall instruct the jury, at the beginning and at the end of the trial, that the alleged victim is being so identified only for the purpose of protecting his or her privacy pursuant to this section.

Penal Code §679.04.

(a) A victim of sexual assault as the result of any offense specified in paragraph (1) of subdivision (b) of Section 264.2 has the right to have victim advocates and a support person of the victim's choosing present at any interview by law enforcement authorities, district attorneys, or defense attorneys. However, the support person may be excluded from an interview by law enforcement or the district attorney if the law enforcement authority or the district attorney determines that the presence of that individual would be detrimental to the purpose of the interview. As used in this section, "victim advocate" means a sexual assault counselor, as defined in Section 1035.2 of the Evidence Code, or a victim advocate working in a center established under Article 2 (commencing with Section 13835) of Chapter 4 of Title 6 of Part 4.

(b) (1) Prior to the commencement of the initial interview by law enforcement authorities or the district attorney pertaining to any criminal action arising out of a sexual assault, a victim of sexual assault as the result of any offense specified in Section 264.2 shall be notified orally or in writing by the attending law enforcement authority or district attorney that the victim has the right to have a victim advocate and a support person of the victim's choosing present at the interview or contact. This subdivision applies to investigators and agents employed or retained by law enforcement or the district attorney.

(2) At the time the victim is advised of his or her rights pursuant to paragraph (1), the attending law enforcement authority or district attorney shall also advise the

victim of the right to have a victim advocate and a support person present at any interview by the defense attorney or investigators or agents employed by the defense attorney.

Penal Code § 1048

(a) The issues on the calendar shall be disposed of in the following order, unless for good cause the court directs an action to be tried out of its order:

- (1) Prosecutions for felony, when the defendant is in custody.
- (2) Prosecutions for misdemeanor, when the defendant is in custody.
- (3) Prosecutions for felony, when the defendant is on bail.
- (4) Prosecutions for misdemeanor, when the defendant is on bail.

(b) Notwithstanding subdivision (a), all criminal actions in which (1) a minor is detained as a material witness or is the victim of the alleged offense, (2) a person who was 70 years of age or older at the time of the alleged offense or is a dependent adult, as defined in subdivision (d) of Section 368, was a witness to, or is the victim of, the alleged offense or (3) any person is a victim of an alleged violation of Section 261, 262, 264.1, 273a, 273d, 285, 286, 288, 288a, or 289, committed by the use of force, violence, or the threat thereof, shall be given precedence over all other criminal actions in the order of trial. In those actions, continuations shall be granted by the court only after a hearing and determination of the necessity thereof, and in any event, the trial shall be commenced within 30 days after arraignment, unless for good cause the court shall direct the action to be continued, after a hearing and determination of the necessity of the continuance, and states the findings for a determination of good cause on the record.

(c) Nothing in this section shall be deemed to provide a statutory right to a trial within 30 days.

(d) An initial investigation by law enforcement to determine whether a crime has been committed and the identity of the suspects shall not constitute a law enforcement interview for purposes of this section.

Penal Code §11160. HEALTH PRACTITIONER REPORTING LAWS

(a) Any health practitioner employed in a health facility, clinic, physician's office, local or state public health department, or a clinic or other type of facility operated by a local or state public health department who, in his or her professional capacity or within the scope of his or her employment, provides medical services for a physical condition to a patient whom he or she knows or reasonably suspects is a person described as follows, shall immediately make a report in accordance with subdivision (b):

(1) Any person suffering from any wound or other physical injury inflicted by his or her own act or inflicted by another where the injury is by means of a firearm.

(2) Any person suffering from any wound or other physical injury inflicted upon the person where the injury is the result of assaultive or abusive conduct.

(b) Any health practitioner employed in a health facility, clinic, physician's office, local or state public health department, or a clinic or other type of facility operated by a local or state public health department shall make a report regarding persons described in subdivision (a) to a local law enforcement agency as follows:

(1) A report by telephone shall be made immediately or as soon as practically possible.

(2) A written report shall be prepared on the standard form developed in compliance with paragraph (4) of this subdivision, and Section 11160.2, and adopted by the California Emergency Management Agency, or on a form developed and adopted by another state agency that otherwise fulfills the requirements of the standard form. The completed form shall be sent to a local law enforcement agency within two working days of receiving the information regarding the person.

(3) A local law enforcement agency shall be notified and a written report shall be prepared and sent pursuant to paragraphs (1) and (2) even if the person who suffered the wound, other injury, or assaultive or abusive conduct has expired, regardless of whether or not the wound, other injury, or assaultive or abusive conduct was a factor contributing to the death, and even if the evidence of the conduct of the perpetrator of the wound, other injury, or assaultive or abusive conduct was discovered during an autopsy.

(4) The report shall include, but shall not be limited to, the following:

(A) The name of the injured person, if known.

(B) The injured person's whereabouts.

(C) The character and extent of the person's injuries.

(D) The identity of any person the injured person alleges inflicted the wound, other injury, or assaultive or abusive conduct upon the injured person.

(c) For the purposes of this section, "injury" shall not include any psychological or physical condition brought about solely through the voluntary administration of a narcotic or restricted dangerous drug.

(d) For the purposes of this section, "assaultive or abusive conduct" shall include any of the following offenses:

(1) Murder, in violation of Section 187.

- (2) Manslaughter, in violation of Section 192 or 192.5.
- (3) Mayhem, in violation of Section 203.
- (4) Aggravated mayhem, in violation of Section 205.
- (5) Torture, in violation of Section 206.
- (6) Assault with intent to commit mayhem, rape, sodomy, or oral copulation, in violation of Section 220.
- (7) Administering controlled substances or anesthetic to aid in commission of a felony, in violation of Section 222.
- (8) Battery, in violation of Section 242.
- (9) Sexual battery, in violation of Section 243.4.
- (10) Incest, in violation of Section 285.
- (11) Throwing any vitriol, corrosive acid, or caustic chemical with intent to injure or disfigure, in violation of Section 244.
- (12) Assault with a stun gun or taser, in violation of Section 244.5.
- (13) Assault with a deadly weapon, firearm, assault weapon, or machinegun, or by means likely to produce great bodily injury, in violation of Section 245.
- (14) Rape, in violation of Section 261.
- (15) Spousal rape, in violation of Section 262.
- (16) Procuring any female to have sex with another man, in violation of Section 266, 266a, 266b, or 266c.
- (17) Child abuse or endangerment, in violation of Section 273a or 273d.
- (18) Abuse of spouse or cohabitant, in violation of Section 273.5.
- (19) Sodomy, in violation of Section 286.
- (20) Lewd and lascivious acts with a child, in violation of Section 288.
- (21) Oral copulation, in violation of Section 288a.
- (22) Sexual penetration, in violation of Section 289.
- (23) Elder abuse, in violation of Section 368.
- (24) An attempt to commit any crime specified in paragraphs (1) to (23), inclusive.

(e) When two or more persons who are required to report are present and jointly have knowledge of a known or suspected instance of violence that is required to be reported pursuant to this section, and when there is an agreement among these persons to report as a team, the team may select by mutual agreement a member of the team to make a report by telephone and a single written report, as required by subdivision (b). The written report shall be signed by the selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter make the report.

(f) The reporting duties under this section are individual, except as provided in subdivision (e).

(g) No supervisor or administrator shall impede or inhibit the reporting duties required under this section and no person making a report pursuant to this section shall be subject to any sanction for making the report. However, internal procedures to facilitate reporting and apprise supervisors and administrators of reports may be established, except that these procedures shall not be inconsistent with this article. The internal procedures shall not require any employee required to make a report under this article to disclose his or her identity to the employer.

(h) For the purposes of this section, it is the Legislature's intent to avoid duplication of information.

Penal Code §13823.95.

(a) No costs incurred by a qualified health care professional, hospital, or other emergency medical facility for the medical evidentiary examination portion of the examination of the victim of a sexual assault, as described in the protocol developed pursuant to Section 13823.5, when the examination is performed, pursuant to Sections 13823.5 and 13823.7, shall be charged directly or indirectly to the victim of the assault.

(b) Any victim of a sexual assault who seeks a medical evidentiary examination, as that term is used in Section 13823.93, shall be provided with a medical evidentiary examination. No victim of a sexual assault shall be required to participate or to agree to participate in the criminal justice system, either prior to the examination, or at any other time.

(c) The cost of a medical evidentiary examination performed by a qualified health care professional, hospital, or other emergency medical facility for a victim of a sexual assault shall be treated as a local cost and charged to the local law enforcement agency in whose jurisdiction the alleged offense was committed, provided however, that the local law enforcement agency may seek reimbursement, as provided in subdivision (d), for the cost of conducting the medical evidentiary examination portion of a medical examination of a sexual assault victim who does not participate in the criminal justice system.

(d) The amount that may be charged by a qualified health care professional, hospital, or other emergency medical facility to perform the medical evidentiary examination portion of a medical examination of a victim of a sexual assault who is undecided or has chosen not to participate in the criminal justice system shall not exceed three hundred dollars (\$300). The California Emergency Management Agency shall use the discretionary funds from federal grants awarded to the agency pursuant to the federal Violence Against Women and Department of Justice Reorganization Act of 2005 through the federal Office of Violence Against Women, specifically, the STOP (Services, Training, Officers, and Prosecutors) Violence Against Women Formula Grant Program to cover the cost of the medical evidentiary examination portion of a medical examination of a sexual assault victim. The agency is authorized to use grant funds to pay for medical evidentiary examinations until January 1, 2014.

Family Code §6921.

A consent given by a minor under this chapter is not subject to disaffirmance because of minority.

Family Code §6927.

A minor who is 12 years of age or older and who is alleged to have been raped may consent to medical care related to the diagnosis or treatment of the condition and the collection of medical evidence with regard to the alleged rape.

Family Code §6928.

(a) "Sexually assaulted" as used in this section includes, but is not limited to, conduct coming within Section 261, 286, or 288a of the Penal Code.

(b) A minor who is alleged to have been sexually assaulted may consent to medical care related to the diagnosis and treatment of the condition, and the collection of medical evidence with regard to the alleged sexual assault.

(c) The professional person providing medical treatment shall attempt to contact the minor's parent or guardian and shall note in the minor's treatment record the date and time the professional person attempted to contact the parent or guardian and whether the attempt was successful or unsuccessful. This subdivision does not apply if the professional person reasonably believes that the minor's parent or guardian committed the sexual assault on the minor.

Welfare and Institution Code §300. Children subject to jurisdiction:

Any child who comes within any of the following descriptions is within the jurisdiction of the juvenile court which may adjudge that person to be a dependent of the court:

- (d) The child has been sexually abused, or there is substantial risk that the child will be sexually abused, as defined in Section 11165.1 of the Penal Code, by his or her parent or guardian or a member of his or her household, or the parent or guardian has failed to adequately protect the child from sexual abuse when the parent or guardian knew or reasonably should have known that the child was in danger of sexual abuse.

Welfare and Institution Code §324.5. (a) Specialized Child Medical Examiner

Whenever allegations of physical or sexual abuse of a child come to the attention of a local law enforcement agency or the local child welfare department and the child is taken into protective custody, the local law enforcement agency, or child welfare

department may, as soon as practically possible, consult with a medical practitioner, who has specialized training in detecting and treating child abuse injuries and neglect, to determine whether a physical examination of the child is appropriate. If deemed appropriate, the local law enforcement agency, or the child welfare department, shall cause the child to undergo a physical examination performed by a medical practitioner who has specialized training in detecting and treating child abuse injuries and neglect, and, whenever possible, shall ensure that this examination take place within 72 hours of the time the child was taken into protective custody. In the event the allegations are made while the child is in custody, the physical examination shall be performed within 72 hours of the time the allegations were made.

In the case of a petition filed pursuant to Section 319, the department shall provide the results of the physical examination to the court and to any counsel for the minor, and counsel for the parent or guardian of the minor. Failure to obtain this physical examination shall not be grounds to deny a petition under this section.

(b) The local child welfare agency shall, whenever possible, request that additional medical examinations to determine child abuse injuries or neglect, be performed by the same medical practitioner who performed the examinations described in subdivision (a). If it is not possible to obtain additional medical examinations, the local child welfare agency shall ensure that future medical practitioners to whom the child has been referred for ongoing diagnosis and treatment have specialized training in detecting and treating child abuse injuries and neglect and have access to the child's medical records covering the current and previous incidents of child abuse.

Forensic Medical Examination Forms

Downloadable forensic examination forms are available websites of the California Emergency Management Agency (CalEMA): www.calema.ca.gov and the California Clinical Forensic Medical Training Center: www.ccfmtc.org

CalEMA 2-923: Acute Adult/Adolescent Sexual Assault Exam

CalEMA 2-924: Abbreviated Adult/Adolescent Sexual Assault Exam

CalEMA 2-925: Non-acute Child/Adolescent Sexual Abuse Exam

CalEMA 2-930: Acute Child/Adolescent Sexual Abuse Exam

CalEMA 2-950: Sexual Assault Suspect Examination

DOJ SS8572: Suspected Child Abuse Report Form. (Also called PC111.66 Form)

Victim's 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.
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 proceedings, 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.
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 victims, 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).

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Notification Card for a Victim of Domestic Violence or Sexual Assault

33

Trinity County Sheriff's Department
100 Memorial Drive ~ Weaverville, CA 96093-1228
Emergencies: Call 911

Dispatcher: (530) 623-8126 or 800 331-0115
Hayfork Substation: Highway 3 & Hyampom Road
California Penal Code §13701 requires that
this written information shall be given to a

VICTIM OF DOMESTIC VIOLENCE
or SEXUAL ASSAULT

Trinity County Sheriff Badge Logo

Date of Incident: _____

Incident Report #: _____

Officer Name: _____

In the State of California, battery and corporal injury of a spouse or domestic partner is a crime. Sexual assault by a spouse, domestic partner or other person known or unknown to you is a crime.

If you are the *victim of a sexual assault*:

Call 911 for emergency law enforcement or medical assistance. DO NOT EAT, DRINK, SHOWER, BATHE, WASH OR ATTEMPT TO CLEAN YOURSELF or the place where the assault occurred.

Doing so may destroy important evidence of the crime. If you must change your garments, preserve them in a clean paper bag. Please do not destroy evidence even if you have decided you are not ready to pursue criminal action right now. You may decide to do so at a later date.

Victims of domestic violence, sexual assault, or stalking incidents may have certain tenant rights stemming from the violence with regard to lock changes, preventing eviction and related safety/housing concerns. Call HRN or VWAP information.

Victims of domestic violence (PC§679.05) and sexual assault victims (PC§679.04) have a right to have a Victim Advocate present at any follow up interview, or contact related to this crime.

Human Response Network Domestic Violence & Rape Crisis Center Victim Assistance Programs:

In Crisis? No appointment is necessary. No fees.

(530) 623-HELP (24-hr. collect ok)

Office: (530) 623-2024 ~ (800) 358-5251 offices
111 Mountain View St., Weaverville, CA

This publication was supported by funding from California Emergency Management Agency (CalEMA) grant # DV11261193, and the Human Response Network, a private non-profit 501(c)3 corporation since 1980.

- (A) Despite official restraint of the person alleged to have committed domestic violence, the restrained person may be released at any time.
- (B) For information about a shelter and victim services you may contact HRN at (530) 623-HELP available 24-hrs. Collect calls are accepted.
- (C) For information about other services in the community, contact the Human Response Network at (530) 623-2024 or (800) 358-5251; or the Victim Witness Assistance Program at (530) 623-1204.
- (D) For information about the California victim's compensation program, you may contact (800)777-9229.
- (E) You may contact Trinity County District Attorney's Office (530) 623-1304 to ask that a criminal complaint be filed.
- (F) You have the right to go to the superior court and file a petition requesting any of the following orders for relief:
 - a. An order restraining the attacker from abusing the victim and other family members.
 - b. An order directing the attacker to leave the household.
 - c. An order preventing the attacker from entering the residence, school, business, or place of employment of the victim.
 - d. An order awarding the victim or the other parent custody of, or visitation with a minor child or children.
 - e. An order restraining the attacker from molesting or interfering with minor children in the custody of the victim.
 - f. An order directing the party not granted custody to pay support of minor children, if that party has a legal obligation to do so.
 - g. An order directing the defendant to make specified debt payments coming due while the order is in effect.
 - h. An order directing that either or both parties participate in counseling.
- (G) You have the right to file a civil suit for losses suffered as a result of the abuse, including medical expenses, loss of earnings, and other expenses for injuries sustained and for damage to property, and any other related expenses incurred by the victim or any agency that shelters the victim.

Victim Notice: If criminal charges are filed as a result of this incident, the District Attorney will give your name to the Human Response Network Victim Advocate in order to contact you and offer resources you might need.

Victim Notice: Victim Information and Notification Everyday (VINE) is a free, computer-based telephone service that *allows you* to check on an offender's custody status and register to receive automatic notification when an inmate is released from County Jail. Call 887-411-5588 or web site: www.vinelink.com.