

STOCKTON POLICE DEPARTMENT

GENERAL ORDER

REIMBURSEMENT FOR VICTIMS OF CRIMES  
SUBJECT

DATE: March 1, 2005

NO: R-4

FROM: CHIEF ERIC JONES

TO: ALL PERSONNEL

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I. POLICY

- A. The Stockton Police Department will notify all persons within their jurisdiction who sustain injury, or the dependent of a person killed as a direct result of a crime, as to their rights for reimbursement by the State of California. This will usually be done by explaining the information on the Crime Victims' Rights and Options card (PD 1630).
- B. It is mandatory that investigating or follow-up officers notify "victims" of crimes, or their families, of the possibility of reimbursement by the State for out-of-pocket expenses. This can be accomplished either verbally or by providing them with a Crime Victims' Rights and Options card (PD 1630). All victims or their families will be referred to the Victim/Witness Program, 222 E. Weber Ave., for further assistance.

II. LAW

- A. It is the responsibility of all officers to be familiar with Section 13950 - 13951 Government Code.
- B. 13950 GC: It is in the public interest to assist residents of the State of California in obtaining restitution for the pecuniary losses they suffer as a direct result of criminal acts. This article shall govern the procedure by which victims of crimes may obtain restitution through compensation from the Restitution Fund.
- C. 13951 GC: Definitions:
  - 1. "Victim" means any of the following residents of the State of California, or military personnel and their families stationed in California:
    - a. A person who sustains injury or death as a direct result of a crime.
    - b. Anyone legally dependent for support upon a person who sustains injury or death as a direct result of a crime.
    - c. Any member of the family of a victim specified by paragraph 1 or any person in close relationship to such a victim, if that member or person was present during the actual commission of the crime, or any member or person herein described whose treatment or presence during treatment of the victim is medically required for the successful treatment of the victim.
    - d. Any member of the family of a person who sustains injury or death as a direct result of a crime when the family member has incurred emotional injury as a result of the crime. Pecuniary loss to these victims shall be limited to only medical

expenses, mental health counseling expenses, or both, for which the maximum award shall not exceed ten thousand dollars (\$10,000).

- e. In the event of a death caused by a crime, any individual who legally assumes the obligation, or who voluntarily pays the medical or burial expenses incurred as a direct result thereof.
2. "Injury" includes physical or emotional injury, or both. However, this article does not apply to emotional injury unless such an injury is incurred by a person who also sustains physical injury or threat of physical injury or by a member or person as defined in paragraph c subdivision d. For purposes of this article, a victim of a crime committed in violation of Section 261, 270, 270a, 270c, 271, 272, 273a, 273b, 273d, 285, 286, 288, 288.1 288a, or 289 of the Penal Code, who sustains emotional injury is presumed to have sustained physical injury.
  3. "Crime" means a crime or public offense as defined in Section 15 of the Penal Code which results in injury to a resident of this state, including such a crime or public offense, wherever it may take place, when the resident is temporarily absent from the state. No act involving the operation of a motor vehicle, aircraft, or water vehicle which results in injury or death constitutes a crime for the purposes of this article, except that a crime shall include any of the following:
    - a. Injury or death intentionally inflicted through the use of a motor vehicle, aircraft, or water vehicle.
    - b. Injury or death caused by a driver in violation of Section 20001, 23152, or 23153 of the Vehicle Code.
    - c. Injury or death caused by a driver of a motor vehicle in the immediate act of fleeing the scene of a crime in which he or she knowingly and willingly participated.
  4. "Pecuniary loss" means any expenses for which the victim has not and will not be reimbursed from any other source. Losses include all of the following.
    - a. The amount of medical or medical-related expense, including psychological or psychiatric expenses, and including, but not limited to, eyeglasses, hearing aids, dentures, or any prosthetic device taken, lost, or destroyed during the commission of the crime, or the use of which became necessary as a direct result of the crime.
    - b. The amount of mental health counseling related expenses which became necessary as a direct result of the crime. These counseling services may be provided by a person licensed as a clinical social worker or a person licensed as a marriage, family and child counselor practicing within the scope of licensure, or within the scope of his or her respective practice acts.
    - c. The loss of income or support the victim has incurred or will incur as a direct result of an injury or death in an amount of more than one hundred dollars (\$100) or equal to 20 percent or more of the victims' net monthly income, whichever is less, except that in the case of persons on fixed incomes from retirement or disability who apply for assistance under this article, there shall be no minimum loss requirement.
    - d. Pecuniary loss also includes non-medical care and treatment rendered in accordance with a religious method of healing recognized by state law.
  5. "Board" means the State Board of Control.

6. "Victim Centers" means those centers as specified in Section 13835.2 of the Penal Code.
  7. "Peer Counselor" means a provider of mental health counseling services who has completed a specialized course in rape crisis counseling skills development, participates in continuing education in rape crisis counseling skills development, and provides rape crisis counseling in consultation with a mental health practitioner licensed within the State of California. (This becomes effective 1-1-90).
- D. 13952 GC: Application for assistance.
1. A victim of a crime may file an application for assistance with the board.
  2. The board shall supply and make available an application form for this purpose. The form shall be in one part, in laymen's terms, and shall be accompanied by information including, but not limited to, the following:
    - a. The eligibility of applicants, the types of claims covered and the maximum amount payable for such claims.
    - b. Information explaining the procedure to be used to evaluate an applicant's claims.
    - c. Other information pertinent to the applicant as deemed necessary by the board.
    - d. Information about the existence and location of local victim centers.
  3. The period prescribed for the filing of an application for assistance shall be one year after the date of the crime, unless an extension is granted by the board, except that such period may be extended by the board for good cause shown by the victim.
  4. The application for assistance shall be verified and shall contain the following:
    - a. A description of the date, nature, and circumstances of the crime or public offense.
    - b. A complete financial statement including but not limited to the cost of medical care or burial expense and the loss of wages or support the victim has incurred or will incur and the extent to which the victim has been or will be indemnified for these expenses from any source.
    - c. When appropriate, a statement indicating the extent of any disability resulting from the injury incurred.
    - d. An authorization permitting the board or a local victim center, or both, to verify the contents of the application.
    - e. Such other information as the board may require.

### **III. PROCEDURE**

- A. Officers are required to advise victims of crimes about the assistance program and to direct them to Victim/Witness, San Joaquin County Court House. This information is available on the reverse side of the Victim's Rights and Options Card.
- B. The investigating officer making the initial report shall advise the victim or victim's family briefly about the program. The officer will then provide the victim with a Crime Victims' Rights and Options card (PD 1630) pointing out the information on the card.