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Victims and Witnesses: San Mateo County's Cooperative Solution

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There are 16 police departments, the sheriff, the district attorney, and the probation department in San Mateo county. Every one of these criminal justice agencies has a well-developed, comprehensive program for victims of violent crime and witnesses.

For rape victims, every criminal justice agency in the county has free emergency counseling from professional therapists and free support services from volunteers, including immediate financial aid, food, and shelter. Later, there is assistance at court when victims are called as witnesses. These benefits, along with emergency transportation and household aid, are brought to elderly victims of crime also. For the large Spanish-speaking minority, for victims in the ghetto, for the Japanese and Filipino (Tagalog) language communities, for battered wives and battered children, for any victim of violent crime and many other traumatized victims as well, criminal justice agencies summon comprehensive emergency and long-term services.

Crime scene clean-up, groceries, interpreters, complete packaged claims for compensation from the state's Victim Indemnification Fund, and other services are offered to all victims of violent crime in the county. These victims, and any other persons who become witnesses in criminal proceedings, receive advance notice of subpoena, directions for reaching court, emergency transportation, protection and escort in the courthouses, and simple explanations of the outcome.

How can so broad a range of services be rendered to all victims of violent crime and witnesses in the county regardless of gender, type of crime, age, ethnicity, or location? How can so many criminal justice agencies offer these broad services immediately after the crime 24 hours a day? The answer is cooperation. The embodiment of this cooperation is San Mateo County's Aid to Victims and Witnesses program.

A CRUCIAL DECISION

When Chief Probation Officer Loren A. Beckley envisioned the program in 1974, he sought the cooperation of the sheriff (representing local law enforcement) and the district attorney. Charles D. Edelstein's principle, more recently expressed in a preceding issue of this journal, was put into practice:

The planner should make use of . . . diversity rather than bemoan it. Participation and consensus are the tools.¹

By securing the participation of other criminal justice authorities, developing a consensus on general objectives, and accepting diversity from the outset, Aid to Victims and Witnesses has avoided competition among agencies or localities. The decision to give other agencies a stake in the program is crucial to its viability.

Aid to Victims and Witnesses was organized in 1975. Although the program is a branch of probation, policy is determined by the Advisory Board consisting of the district attorney, sheriff, three chiefs of police, a member of the Bar Association, and a senior volunteer from the program itself—as well as the Chief Probation Officer, and Director of Adult Probation Don Helbush. Instead of competing, these agencies share the responsibility for a single wide-ranging program.

COMMITMENT AND CREDIT

In practice, the program gives credit where it is due: the agencies which make a commitment to the program receive recognition.

When violent crime strikes, the police officer or sheriff's deputy can contact Aid to Victims and Witnesses for emergency services at the scene. The merit for summoning AVW services thus belongs to law enforcement. They give the victim a written notice in English, Spanish, Tagalog, or Japanese. The victim is advised of the right to apply for state compensation and of the availability of local services. The Notice to Victims of Violent Crime form is a standardized document in simple language, used by every law enforcement agency in the county. The notices refer all victims to the same Aid to Victims and Witnesses program. But the notices vary in one important way. Each is printed on the letterhead of the law enforcement agency which issues it.

Similarly, the district attorney takes credit for referring witnesses to AVW. When witnesses for subpoena are listed, a copy goes to the program. AVW prepares Witness Rosters, so its volunteer Witness Guides will know cases, names of witnesses, and other information pertinent to witness services at court. AVW also sends letters to the witnesses, advising that the subpoena is coming, with maps and simple explanations of proceedings. The program notifies all but the very few hostile witnesses. The letter advises the witness of the services being provided by Aid to Victims and Witnesses, but the letter is signed by the district attorney.

Thus AVW gets victim referrals direct from law enforcement agencies

¹ Charles D. Edelstein, "Some Random Ruminations on Planning," *Crime Prevention Review*, Vol. 4, No. 4, July 1977 (Attorney General's Office, State of California) p. 3.

and witness referrals direct from the district attorney. Law enforcement and the district attorney get the recognition for having made the referral. After that, the program brings its countywide network of volunteers and resources to the individual victim and witness.

CREDIBILITY

Of equal importance to the design of the program has been its stress on doing what it says it will do. When the program was organized, it had only one year to live: the probation department had a one-time grant of \$34,000 from the California Youth Authority (through Assembly Bill 180). A pilot project was established in one judicial district. Police departments in seven cities were contacted and procedures agreed upon. Doors were opened because the program had secured the blessing of the Chiefs of Police Association in San Mateo county, and because of the probation department's good relations with police.

Doors were kept open because the program came through with services. Example: A woman lay in a hospital with a fractured skull and internal injuries. Her 11-year-old daughter was dead. Police called the program's 24-hour number at 11:00 p.m. Within hours, volunteers had comforted the victim and arranged her daughter's funeral. Later, they persuaded the victim's employer to save her job. They qualified her for financial aid. They handled her application for state indemnification. The funeral, the time lost from work, the woman's huge medical bills, and her psychological rehabilitation counseling were all paid for on her behalf.

In another instance, a 14-year-old girl appeared with her parents at the preliminary hearing to testify against the two men who abducted and raped her. The victim's medical bills and counseling were already being covered through Aid to Victims and Witnesses. In court, she broke down during testimony. Her parents became hysterical. Volunteers from AVW protected them all from exposure to the defendants' associates or the curious, escorted them into and out of the courtroom, and gave solace and reassurance until they regained their composure.

Although these cases had no precedent, AVW provided services. Confidential crime information was handled with discretion. Police officers and deputy district attorneys were treated with as much consideration and open-mindedness as victims and witnesses. Feedback was sought and accepted. Credibility grew.

Before its first year had ended, AVW was assured of the backing of the Criminal Justice Council of San Mateo County in its application for LEAA funding for a countywide program. In qualifying for a share of the limited funds available, AVW had cooperative support from many agencies, because the program kept its promises.

LEARNING THE SYSTEM

San Mateo county contains 600,000 people in 17 incorporated cities and towns, plus a number of unincorporated areas. The population is largely suburban, but there are several urban areas, major industrial centers, and high-crime districts. The county has ghetto areas and a crowded barrio.

There are several significant ethnic and language minority groups, and a shadow population of illegal aliens.

The county is resource-rich. Suburbs produce battered wives and domestic violence, but they also produce volunteers. Welfare and mental health services are extensive, specialized, and available from the county and several private agencies. There are self-help minority organizations and federally-aided community projects.

Instead of competing with these agencies, Aid to Victims and Witnesses coexists with them. AVW brings other agencies' expertise to eligible victims and witnesses. The Japanese-American Citizens' League provides an interpreter for an elderly Japanese-speaking woman who is beaten and robbed in her home. Redwood House, a life-crisis center funded by the county, and a crisis team from county mental health provide shelter and counseling to rape victims. A private hospital donates a wheelchair to a disabled witness. A building maintenance contractor loans equipment and instructs volunteers who clean a bloody house. The resource staff in county welfare helps AVW set up a victim for public assistance in only 24 hours. Emergency cash grants are available through Students Helping Other People, a volunteer student effort at the University of Santa Clara. Volunteers are recruited through the program's own efforts, the local Volunteer Bureau/Voluntary Action Center (a United Way agency), and Volunteers In Probation Service (VIPS).

To these helping agencies, Aid to Victims and Witnesses adds its own expertise in the special handling of victimized persons and their families and friends. The program develops necessary services when no other source can readily deliver. Witness Waiting Rooms are staffed and operated. The complex and time-consuming task of applying for state indemnification is handled by AVW volunteers, along with locating and contacting victims' friends, relatives, employers and creditors.

AVW accompanies or represents the victim to other resources. The program fills in and innovates as needs require. When a young retarded man was stabbed by his own guardian, AVW became the assignee for the victim's funds. The victim was placed in a special home and his affairs were managed for several months until a new guardian was appointed.

Another victim was pistol-whipped and permanently blinded. He could no longer work. AVW presented his case to the Social Security Administration. While waiting for funds, the program contacted creditors; the man and his wife did not lose their home, and their son was able to continue in college.

A young couple whose two sons were murdered suffered \$40,000 in medical bills, \$4,000 in damage to their home, \$3,600 in funeral expenses, and \$2,000 in lost wages. By organizing available resources—private, county, and state—Aid to Victims and Witnesses arranged for family or creditors to receive every cent of the nearly \$50,000 in costs.

The program does not duplicate resources; it learns the system. There is no competition with other agencies, only a willingness to use and acknowledge their services.

HOW CRIMINAL JUSTICE BENEFITS

Victims and witnesses have long been the forgotten people in the criminal justice system. We all know the problem. Lack of trust, rivalry over funding, a desire to hoard the credit, a willingness to settle for rhetoric instead of real services, a reluctance to accept volunteers, and the absence of an adaptable model program have prevented a solution.

Fresno Chief Probation Officer Jim Rowland has demonstrated that probation is a good place for a victim-witness program to start.² Probation is casework-oriented, neutral rather than prosecutorial, resource and volunteer oriented, countywide, and criminal justice system-wise. San Mateo County Probation planned its program with these advantages, and with a willingness to share in the effort with other criminal justice agencies. Now everyone is benefiting.

The sheriff and local police departments get on-the-scene and long-term aid to the victims they refer. AVW also provides law enforcement with built-in verification that victims of violent crime have been notified of their rights according to the mandate of the California Attorney General's office.³ For the district attorney, AVW services mean that witnesses are more inconvenienced and composed, and therefore more effective in court. Within probation, victims are referred to AVW for services, and AVW sends probation officers Victim Impact information for their pre-sentence reports. Resource agencies benefit too. AVW referrals broaden their outreach and justification.

Victims and witnesses have a better attitude toward the criminal justice system. Criminal justice is more sensitized. The system runs a little more conscientiously when AVW and its volunteers (private citizens) are involved. Restitution is less frequently neglected in plea negotiations or pre-sentence or dispositional reports. Witness inconvenience is reduced, and more witnesses get fees.

Aid to Victims and Witnesses has delivered significant assistance to over 1,150 victims of crime and over 6,000 witnesses. The program has grown into three regional offices and three witness facilities (in the three municipal courthouses), with a fourth facility for the superior courts to come. There are two more probation officers and four other full or part-time staff, plus 60 citizen-volunteers. The \$130,000 budget is mostly LEAA-OCJP funding, but the San Mateo County Board of Supervisors now finances nearly 20 percent of the total. This budget, \$130,000 for victims and witnesses, is less than 1 percent of the amount spent by the county on offenders.

The success of Aid to Victims and Witnesses has helped spark state legislation⁴ with support from diverse criminal justice organizations.⁵ It has inspired a dozen new programs in other counties.

The secret of this success rests in the fact that every criminal justice agency in San Mateo county—and the board of supervisors as well—deserves and may take the credit.

² James Rowland, "Victim Services in Fresno," *Crime Prevention Review*, Vol. 3, No. 3, April 1976, Pp. 10-16.

³ Section 13968(e) California Government Code.

⁴ AB 1434, by Assemblyman Michael Gage (Napa), passed both the Assembly and Senate, and was signed by the Governor, who eliminated its funding.

⁵ California Probation, Parole and Correctional Association, California Peace Officers' Association, and California District Attorneys' Association.

