

DATE SUBMITTED 11/22/2021  
 SUBMITTED BY Police Dept.  
 DATE ACTION REQUIRED \_\_\_\_\_

**Agenda Item No** D-5  
 CITY COUNCIL ACTION (X)  
 PUBLIC HEARING REQUIRED ( )  
 RESOLUTION ( )  
 ORDINANCE 1<sup>ST</sup> READING ( )  
 ORDINANCE 2<sup>ND</sup> READING ( )  
 CITY CLERK'S INITIALS (em)

**IMPERIAL CITY COUNCIL  
 AGENDA ITEM**

<b>SUBJECT:</b> Imperial County District Attorney's Office Victim/Witness Assistance Program MOU	
<b>DISCUSSION/ACTION:</b> The Imperial Police Department request approval of the new MOU between the Imperial Police Department and ICDA Office.	
DEPARTMENT INVOLVED: Police	
BACKGROUND/SUMMARY MOU Between the City of Imperial and Imperial County District Attorney's Office Victim/Witness program regarding helping individuals in a mass casualty or terrorist attack (refer to attachment for further information).	
FISCAL IMPACT: None <span style="float:right"><i>[Signature]</i></span>	
STAFF RECOMMENDATION:	
MANAGER'S RECOMMENDATION: <i>approve</i>	MANAGER'S INITIAL <i>[Signature]</i>
MOTION:	
SECONDED: AYES: NAYES: ABSENT:	APPROVED ( )      REJECTED ( ) DISAPPROVED ( )      DEFERRED ( ) REFERRED TO:

IMPERIAL COUNTY  
DISTRICT ATTORNEY'S OFFICE  
Heather Trapnell  
Assistant District Attorney



GILBERT G. OTERO  
DISTRICT ATTORNEY  
940 West Main Street, Suite 102  
El Centro, CA 92243  
Tel: (442) 265-1175  
Fax: (760) 352-4474

**MEMORANDUM OF UNDERSTANDING**  
BETWEEN THE  
IMPERIAL COUNTY DISTRICT ATTORNEY'S OFFICE  
VICTIM/WITNESS ASSISTANCE PROGRAM  
AND  
IMPERIAL POLICE DEPARTMENT

This Memorandum of Understanding (MOU) stands as evidence that the Imperial County District Attorney's Office Victim/Witness Assistance Program and the Imperial Police Department intend to work together towards the mutual goal of providing the maximum assistance available for crime victims in the event of a **mass casualty crime or terrorist attack**. After an event occurs, the Imperial Police Department agrees to contact the Imperial County District Attorney's Crisis Response Team (ICDA CRT) as soon as possible with the following information:

- Type of mass casualty crime or act of terrorism
- Location of scene and Family Reunification/Assistance Center
- Name and title of person the ICDA CRT will report to
- Any safety concerns that need to be considered
- The number of victims (survivors or deceased)
- Any language translation needs required for victims and/or family members
- Any other special instructions

**The Crisis Response Team will never self-deploy!**

The Victim/Witness Assistance Program, as a participant of the Community Crisis Response Team, will provide the following services to victims, witnesses and their family members:

- Trauma Informed Crisis Intervention
- Needs assessment
- Debriefing
- Referrals to local resources
- Emergency Assistance
- Property Return/Release
- Victim Compensation Board applications
- Victims' Rights education
- Orientation to the criminal justice system
- Case status and disposition requests

- Court accompaniment
- Victim Impact Statement

The above listed services are available during normal business hours at the Imperial County District Attorney's Victim/Witness office. However, as a participant of the Community Crisis Response Team, victim/witness advocates agree to respond to a designated Family Reunification/Assistance Center following a mass casualty crime incident to provide these services on site, after a request is received from the Imperial Police Department. *Advocates will not respond while a crime scene is still active.*

Both parties hereby agree there will be no costs incurred by either agency for services provided to the public by the other agency nor any financial compensation for personnel providing the service, except that all employees on site will be paid a salary by their respective employers.

At no time will any employee of the Imperial County District Attorney's office give a press release. This will be the responsibility of the law enforcement agency having jurisdiction over the incident.

This MOU shall remain in effect unless terminated by either agency.

We the undersigned, as authorized representatives of the Imperial County District Attorney's Office Victim/Witness Assistance Program and the Imperial Police Department, do hereby approve this Memorandum of Understanding (MOU). This MOU will remain in effect from the period of \_\_\_\_\_ through \_\_\_\_\_.

\_\_\_\_\_  
Leonard Barra, Chief of Police

\_\_\_\_\_  
Date

\_\_\_\_\_  
Gilbert G. Otero, District Attorney

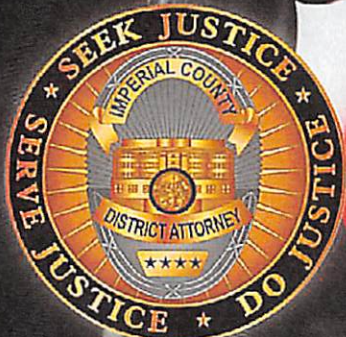
\_\_\_\_\_  
Date



Victims' Bill of Rights Act of 2008:

# MARSY'S LAW

Effective December 13, 2008



**Imperial County District Attorney  
Victim Witness Assistance Program**

**GILBERT G. OTERO  
DISTRICT ATTORNEY**

**940 W. Main St., Ste. 102  
El Centro, CA 92243**

**(442) 265-1221**

**(442) 265-1175**

## Victims' Bill of Rights:

**As a victim in a criminal case,  
you are entitled to the following  
rights under Article 1, §28(b)  
of the California Constitution.**

(b) In order to preserve and protect a victim's rights to justice and due process, a victim shall be entitled to the following rights:

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

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

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

(12) 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) To restitution.

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

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

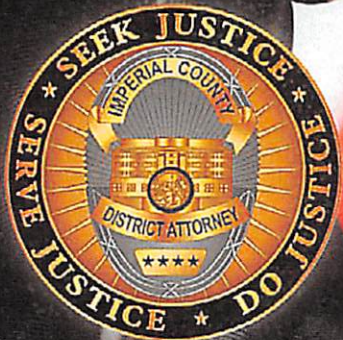
**Please be advised that criminal cases may be resolved as early as the first court appearance.**



Ley de Derechos Civiles  
de las Víctimas de 2008:

# LEY DE MARSY

Vigente desde el 13 de Diciembre de 2008



Fiscal Del Distrito Del Condado Imperial  
Programa De Asistencia Víctima Testigo

**GILBERT G. OTERO**  
FISCAL DEL DISTRITO

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El Centro, CA 92243

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**(442) 265-1175**

## Ley de Derechos Civiles de las Víctimas:

Como víctima en un caso criminal, usted tiene derecho a los siguientes derechos conforme al Artículo 1, §28(b) de la Constitución de California.

(b) Para preservar y salvaguardar el derecho de una víctima a la justicia y el proceso debido, la víctima habrá de tener los siguientes derechos:

(1) Ser tratado con justicia y respeto por su privacidad y dignidad y no ser intimidado, acosado o maltratado a lo largo del proceso de justicia criminal o el proceso de justicia de menores.

(2) Contar con protección razonable del acusado y de las personas que actúen en nombre del acusado.

(3) Que se tome en consideración la seguridad de la víctima y de su familia cuando se fijen la fianza y las reglas asociadas a la libertad del acusado.

(4) Que se prevenga la divulgación, al acusado, su abogado o cualquier otra persona que actúe en nombre del acusado, de información o registros confidenciales que se pudieran utilizar para localizar o acosar a la víctima o a su familia o que revelen comunicaciones confidenciales realizadas durante tratamientos médicos o sesiones de consejería o que se consideren privilegiadas o confidenciales por ley.

(5) Rehusarse a ser entrevistado, a presentar una declaración jurada o a cumplir una petición de descubrimiento de parte del acusado, su abogado o cualquier otra persona que actúe en nombre del acusado y fijar condiciones razonables con respecto a la manera en la que realizará cualquier entrevista que la víctima acepte conceder.

(6) Recibir notificación razonable y consultar con la fiscalía, si así lo solicita, con respecto al arresto del acusado si es del conocimiento del fiscal, los cargos formulados, la determinación de si se extraditará al acusado y, si lo solicita, recibir notificación e información antes de que se tome cualquier resolución pertinente al caso antes del juicio.

(7) Recibir notificación razonable de todos los procesos públicos, incluso los procesos por delincuencia que se lleven a cabo, si así lo solicita, en los cuales el acusado y el fiscal tengan derecho a estar presentes y de todos los procesos de libertad condicional o de libertad después de la condena y estar presente en todos los procesos de tal índole.

(8) Presentar su caso, si así lo solicita, en todo su proceso, incluso los procesos por delincuencia que tengan que ver con decisiones relacionadas con la libertad después del arresto, declaraciones de culpabilidad, lecturas de sentencia, decisiones relacionadas con la libertad después de la condena o cualquier proceso en el cual algún derecho de la víctima esté en juego.

(9) Tener un juicio rápido y una resolución pronta y decisiva del caso y de cualquier proceso relacionado después del fallo.

(10) Proporcionar información al oficial del departamento de libertad condicional encargado de la investigación precondenatoria relacionada con el efecto que el delito tuvo sobre la víctima y su familia y con las recomendaciones de sentencia antes de que el acusado sea sentenciado.

(11) Recibir, si así lo solicita, el informe precondenatorio en el momento en que el acusado pueda tener acceso al mismo, con la excepción de las secciones que se consideren confidenciales por ley.

(12) Recibir información, si así lo solicita, de la condena, la sentencia, el lugar y la hora del encarcelamiento del acusado o de cualquier otra resolución concerniente al acusado, a la fecha prevista de liberación del acusado y a la liberación o la fuga del acusado.

(13) Recibir restitución.

(14) Que se le devuelvan, con prontitud, sus pertenencias cuando ya no se necesiten como evidencia.

(15) Ser notificado de todos los procesos de libertad condicional, participar en todo proceso de libertad condicional, proporcionar información para que las autoridades la tomen en consideración antes de conceder la libertad condicional al delincuente y de ser notificado, si así lo solicita, de la libertad condicional o cualquier otra forma de libertad del delincuente.

(16) Que se tome en consideración la seguridad de la víctima, su familia y de la sociedad antes de que se tomen decisiones relacionadas con la libertad condicional o con la libertad después del fallo.

(17) Ser informado de los derechos enumerados en los párrafos del (1) al (16).

**Por favor, tenga presente que los casos criminales se pueden resolver tan pronto como en la primera comparecencia ante el tribunal.**



CalVCP cannot pay for any expense not related to the crime, any expenses paid by insurance or another source of reimbursement or coverage, expenses for lost, stolen or damaged property, or damages for pain and suffering. There are limits on how much can be paid for each loss and the program cannot pay any expense for a person who is on felony probation, on parole, in county jail or prison.

*"The Imperial County District Attorney's Office is aware that victims and their families are dealing with emotional, and sometimes, physical pain and having a good experience with the criminal justice system is a positive step towards healing. We believe that every victim is to be treated with dignity, fairness and respect and our office is dedicated to assisting victims and their families in healing, helping them obtain services and seeking restitution."*

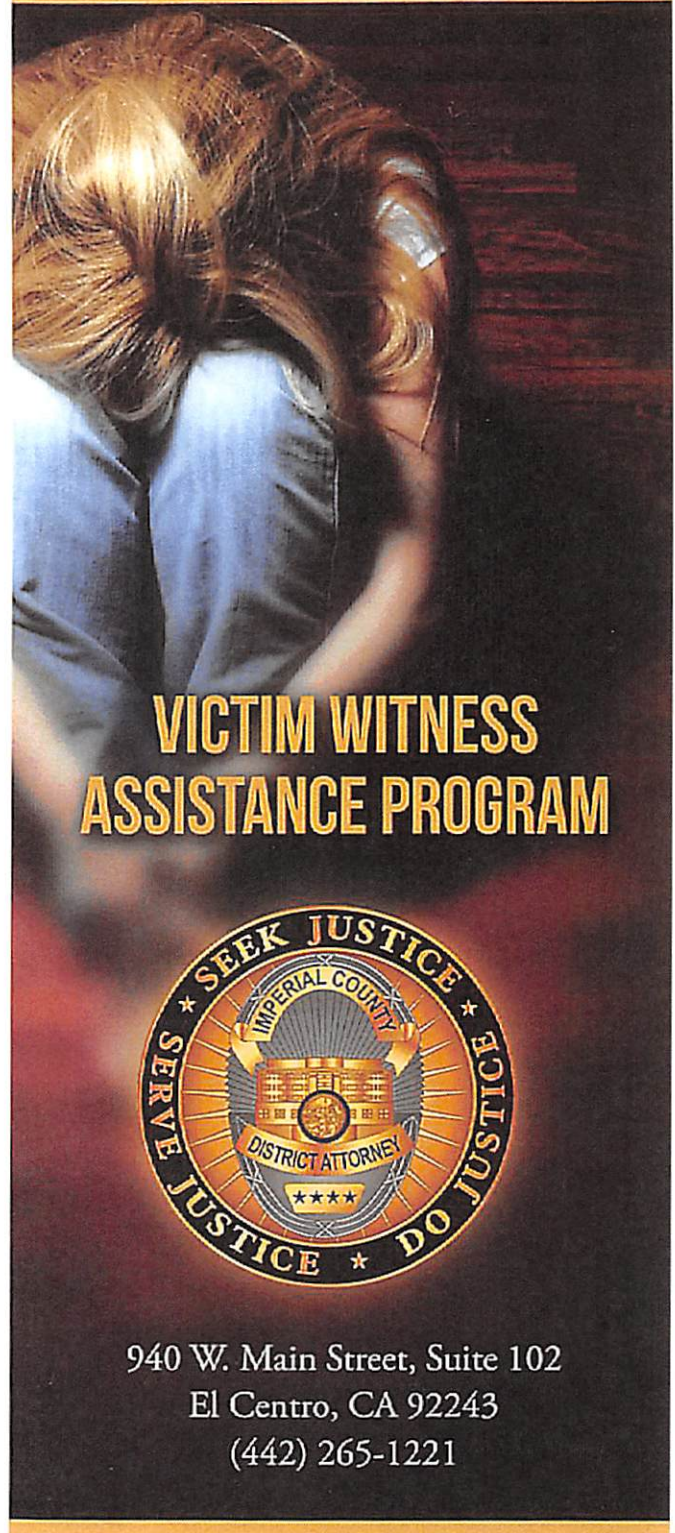
Gilbert G. Otero  
District Attorney



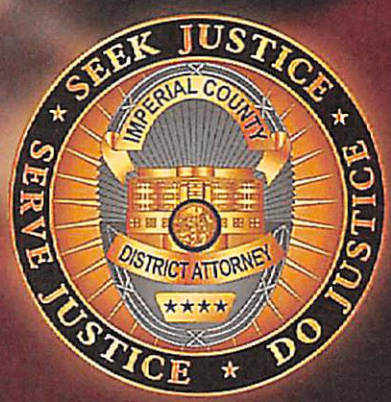
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IMPERIAL COUNTY DISTRICT ATTORNEY



**VICTIM WITNESS  
ASSISTANCE PROGRAM**



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The Victim Witness Assistance Program is a division of the Imperial County District Attorney's Office dedicated to ensuring victims are informed and supported throughout the criminal justice process. Victim advocates work closely with prosecutors and are trained to provide assistance to all victims, including children, elders, disabled persons and victims of violent crime.



## CALIFORNIA VICTIM COMPENSATION PROGRAM (CALVCP)

CalVCP can help victims of violent crimes that occur in California as well as California residents who become victims while visiting other states or outside the country. Additionally, people such as family members who need assistance because of death or injury to a crime victim may also be eligible for compensation. Minors who suffer emotional injuries as a result of witnessing a violent crime may be eligible for up to \$5,000 for mental health counseling through CalVCP.

### To be eligible the victim must:

- Have been a California resident when the crime occurred, or the crime must have occurred in California.
- Cooperate reasonably with police and court officials to arrest and prosecute the offender.
- Cooperate with CalVCP staff to verify the application.
- Not have been involved in events leading to the crime or have participated in the crime.
- File the application within three years of the crime, three years after the direct victim turns 18 years of age, or three years from when the crime could have been discovered, whichever is later. If the application is based on specified crimes involving sex with a minor, a victim may file at any time prior to the victim's 28th birthday.

### SERVICES OFFERED INCLUDE:

- Crisis intervention, including counseling, reassurance and support following the crime.
- Resource and referral counseling to local community organizations.
- Orientation to the criminal justice system.
- Court accompaniment and transportation assistance.
- Notification of case status, court dates, and case disposition.
- Assistance in obtaining the return of a victim's property used as evidence.
- Notification for friends, relatives, and employers of the occurrence of the crime.
- Assistance in obtaining court-ordered restitution for the victim.
- Assistance the preparation, verification, and presentation of claims to the California Victim Compensation and Government Claims Board to receive compensation for lost wages, counseling costs, medical bills or funeral/burial expenses.