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OFFICE OF CRIMINAL JUSTICE PLANNING
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GEORGE DEUKMEJIAN, Governor



CALIFORNIA SEXUAL ASSAULT VICTIM SERVICES AND PREVENTION PROGRAM

PROGRAM GUIDELINES

FOREWORD

The California Sexual Assault Victim Services and Prevention Program demonstrates the commitment of Governor George Deukmejian and the Legislature to provide sexual assault victim services and to improve the prosecution of sexual assault cases, the collection and preservation of medical evidence, and the treatment of victims.

These objectives are being carried out by: (1) the provision of grant awards to local centers to fund victim services, community education activities, and prevention programs; (2) the development and implementation of a training program for county prosecutors; and (3) the development of a medical protocol and informational guide for distribution to all emergency room facilities in the State of California.

This document sets forth the programmatic and administrative guidelines for the California Sexual Assault Victim Services and Prevention Program, as authorized by Chapter 917, of the Statutes of 1980 (SB 862, Robbins).

The Office of Criminal Justice Planning is responsible for administering the California Sexual Assault Victim Services and Prevention Program. Questions dealing with this program should be directed to the Sexual Assault Victim Services Program at (916) 324-9100.

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Executive Director

GAH:tdj

U.S. Department of Justice
National Institute of Justice

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CALIFORNIA SEXUAL ASSAULT VICTIM SERVICES
AND PREVENTION PROGRAM

PROGRAM GUIDELINES

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PROGRAM GUIDELINES

CALIFORNIA SEXUAL ASSAULT VICTIM SERVICES AND PREVENTION PROGRAM

I. INTRODUCTION AND BACKGROUND

A. Purpose of the Program

The California Sexual Assault Victim Services and Prevention Program (SAVS/PP) represents a central focus of Governor George Deukmejian's plan to restore public safety and the rights of innocent victims of crime. Together with California's Victim/Witness Assistance Program, the SAVS/PP aims at: 1) putting an end to sexual assault through community education and prevention programs, and 2) ensuring that victims of sexual assault, whether adults or children, have available to them the highest quality and most comprehensive and systematic services possible.

A guiding assumption underlying California's Sexual Assault Program is that state government has a responsibility to facilitate the efficient interface of service providers throughout the state. Consequently, the purpose of the SAVS/PP includes both allocation of needed resources, as well as, technical assistance to service providers in such areas as coordination of efforts among local service providers, effective liaison with law enforcement, association with other local crime prevention efforts, broad communication of state-of-the-art procedures, and promotion of a state-wide service perspective.

8. Statutory Establishment

The California Sexual Assault Victim Services and Prevention Program was established within the Office of Criminal Justice Planning (OCJP) by Senate Bill 862 (Chapter 917, 1980 Statutes, Robbins) (Appendix A). This program was created to provide financial support to rape victim counseling centers, to develop a training program for county prosecutors on issues pertaining to sexual assault, and to coordinate activities with the Peace Officer Standards and Training Commission to prepare guidelines establishing standard law enforcement procedures for responding to, and treating, sexual assault victims.

The legislative authority for this program was expanded:

- o In 1981, by Senate Bill 588 (Chapter 1062, 1981 Statutes, Rains) to include funding for child sexual abuse and child sexual exploitation programs, with the inclusion of these subjects in the prosecutor training program and the law enforcement officer guidelines (Appendix B).
- o In 1982, by Assembly Bill 3172 (Chapter 1115, 1982 Statutes, Waters) to include the development of a medical protocol for victims of sexual assault and an informational guide on appropriate examination and interview techniques for medical personnel to be distributed to all hospitals in the State of California (Appendix C).

C. Advisory Committees

Senate Bill 862 mandated the establishment of an eleven member State Advisory Committee to advise OCJP on the development and implementation of the legislatively established Sexual Assault Program. OCJP appoints five of the committee members, including three district attorneys, one public defender, and one representative of a city police department. The Commission on the Status of Women appoints six committee members including one medical professional and one representative of a rape crisis center.

In addition to the State Advisory Committee, OCJP established a Technical Advisory Committee, a Subcommittee on Child Sexual Abuse and Sexual Exploitation, and a Victim Services Advisory Committee. The Technical Advisory Committee, with a membership of six rape crisis center managers, assists OCJP by identifying issues of importance to local centers and by offering recommendations on issues to be reviewed and discussed by the State Advisory Committee. The Subcommittee on Child Sexual Abuse and Sexual Exploitation is made up of six members from various disciplines, with expertise in the area of child sexual victimization, and four Technical Advisors directly involved in the operation of child sexual abuse programs. The role of the Subcommittee is to assist OCJP and the State Advisory Committee in identifying issues and criteria to consider in the development of the Child Sexual Abuse Program component. The Victim Services Advisory Committee is composed of 13 members, including representatives from the Legislature, Rape Crisis Centers, Child Sexual Abuse Programs, and Victim/Witness Programs. This Committee advises OCJP on matters affecting the

provision of comprehensive victim services to the citizens of California.

Please refer to Appendix D of the Program Guidelines for a list of the members of the State Advisory Committee, Technical Advisory Committee, Child Sexual Abuse and Sexual Exploitation Subcommittee, and the Victim Services Advisory Committee. Also included in this Appendix is a list of the Board of Directors of the State Coalition of Rape Crisis Centers.

D. Administrative Authority

The Office of Criminal Justice Planning (OCJP) is the administrative agency for the California Sexual Assault Victim Services and Prevention Program. The role of OCJP is to develop the program in conjunction with the State Advisory Committee and to implement and manage the program. These activities include establishing policies dealing with the operation and direction of the program, providing staff support to the Committee to facilitate decision-making, monitoring the projects and contracts selected for funding, evaluating the program, and reporting to the Legislature and the Governor on the program's progress and accomplishments.

The California Sexual Assault Victim Services and Prevention Program

First and Second Annual Reports to the Legislature, prepared by the OCJP Evaluation Staff, further describe the operations of the program and provide detailed information on the allocation of funds appropriated for this Program.

II. GOALS AND OBJECTIVES

The following is a list of the goals and objectives for the California Sexual Assault Victim Services and Prevention Program based on the statutory provisions of S.B. 862 (Chapter 917, 1980 Statutes) and S.B. 588 (Chapter 1062, 1981 Statutes).

Goal 1: To provide for the physical and/or emotional well-being of victims of sexual assault by providing financial support to local centers for the provision of services to victims.

Objectives

- a. To provide financial support to proposed and existing rape victim counseling centers and prevention programs in urban and rural areas of the state.

- b. To assure that a minimum level of services are provided to victims of sexual assault through rape victim counseling centers, to include; crisis intervention, follow-up counseling, in-person counseling, information and referral, and accompaniment and advocacy services.

Goal 2: To expand the provision of sexual assault services in areas presently unserved or underserved.

Objectives

- a. To provide special funding for programs and services designed to reach areas presently underserved.
- b. To provide special funding for new programs and services in areas presently unserved.

Goal 3: To provide for the physical and/or emotional well-being of victims of child sexual abuse and sexual exploitation and their families, according to the Guidelines set forth in the enabling statute and the criteria established by the State Advisory Committee for this program, by providing funding to prevention and treatment programs. Such funding is contingent upon funds being appropriated by the Legislature for these purposes.

Objectives

- a. To implement the first stage of this program by providing funds for programs directed toward the prevention of child sexual abuse and sexual exploitation.

- b. To establish standards and criteria which will be used as guidelines for funding treatment programs for sexually abused and sexually exploited children in order to implement the second stage of this program.
- c. To promote the development of new, innovative, and/or state-of-the-art programs.
- d. To promote the development of programs directed toward ethnic minorities.
- e. To promote the development of programs proportionately directed to all population groups in the community.

Goal 4: To promote a more coordinated and informed approach for the response to and treatment of victims of sexual assault, child sexual abuse, and child sexual exploitation.

Objectives

- a. To develop a network of linkages between rape victim counseling centers, child sexual abuse and sexual exploitation counseling and prevention programs, law enforcement agencies, county district attorneys' offices, medical and psychological service providers, social service agencies, local victim/witness programs, and other organizations within their respective communities.

- b. To develop a network of linkages between rape victim counseling centers; child sexual abuse and sexual exploitation counseling and prevention programs; and members of ethnic minority groups, organizations, and institutions so as to precipitate the inclusion and increased participation of members of ethnic minority groups in program services and operations.
- c. To make recommendations regarding services for victims of sexual assault, child sexual assault and child sexual exploitation, the relationship of such victims with the criminal justice system, and proposed or existing legislation which may have an impact upon sexual assault and child sexual abuse and sexual exploitation victims or service providers.
- d. To develop a medical protocol and informational guide to be used by medical personnel in the State of California in the examination and treatment of victims of sexual assault, child sexual abuse and child sexual exploitation.

Goal 5: To increase the knowledge of the incidence of sexual assault, child sexual abuse, and child sexual exploitation in the State of California; to increase the awareness of sexual assault, child sexual abuse, and child sexual exploitation as crimes of violence; and to provide information to schools and communities regarding the prevention of these crimes.

Objectives

- a. To develop and implement a uniform and non-duplicative data collection system to aid in the analysis of information received from rape victim counseling centers, child sexual abuse, and sexual exploitation programs.
- b. To provide funding for the provision of community outreach, education, primary and secondary prevention programs offered by rape crisis centers, child sexual abuse, and child sexual exploitation programs.

Goal 6: To improve the understanding of the needs of sexual assault, child sexual abuse, and child sexual exploitation victims by the criminal justice system.

Objectives

- a. To develop and implement a course of training for county prosecutors in the investigation, charging, and prosecution of sexual assault and sexual exploitation crimes. This training shall include, but not be limited to, training in the unique emotional trauma experienced by victims of sexual assault, child sexual abuse, and child sexual exploitation, and training in trial techniques to convey this concept to the trier of fact.

- b. To offer assistance and coordinate with the Commission on Peace Officer Standards and Training when it implements a course of training for specialists in the investigation of sexual assault, child sexual assault and sexual exploitation cases and when it establishes standard procedures which may be followed by law enforcement agencies during the investigation of these cases and when responding to, and providing treatment for the victims of such crimes.

- c. To encourage the establishment of sexual assault investigation units in law enforcement agencies and sexual assault prosecution units in district attorney's offices throughout the State.

Goal 7: To seek and make use of any other financial resources to augment state funds appropriated for rape crisis, child sexual abuse and child sexual exploitation programs.

Objectives

- a. To assist programs in identifying alternate sources of funding.

- b. To enhance programmatic funding viability by encouraging programs to closely network within their respective communities.

III. LOCAL ASSISTANCE

A. Description of Services

Provided below are definitions of direct services and prevention:

1. Direct Services

To provide for the physical and/or emotional well being of victims of sexual assault by offering crisis intervention, follow-up counseling, in-person counseling, information and referral, and accompaniment and advocacy services.

2. Prevention

Primary prevention programs are directed toward preventing the occurrence of sexual assault. They include: 1) programs designed to facilitate the development of non-violent abuse free individuals, families and environments; and 2) programs directed toward creating an awareness of the risk of sexual assault and child sexual abuse and sexual exploitation which provide education about sexual assaults, personal safety, and self-defense techniques. Secondary prevention programs target the at-risk population and are directed toward preventing violence from reoccurring through education on personal safety, information on sexual assault and self-defense techniques. Tertiary prevention programs provide services after occurrence and involve strategies aimed at the existing problems. Treatment or curative strategies fall within this area.

B. PROGRAM COMPONENTS

Provided below is a brief description of the local assistance components of the California Sexual Assault Victim Services and Prevention Program. Following each component description are sample objectives and activities recommended for projects applying for funding under the related program component. These recommendations are based on typical programs and are not all inclusive.

1. Sexual Assault Victim Services

This program component allocates financial resources to proposed or existing rape crisis centers for the provision of direct services to sexual assault victims. Grant awards made with these monies are intended to fund a portion of the program operating expenses and not the entire operating budget of any one center.

Programs applying for funding under this component are encouraged to use the following sample objectives and methodological activities:

<u>OBJECTIVES</u>	<u>ACTIVITIES</u>
1. To provide crisis intervention services to <u>victims of sexual assault</u> during this fiscal year, as compared to the provision of these services to <u>victims</u> during FY 1983/84.	1(a) Recruit and screen <u>volunteers</u> to staff <u>the crisis line</u> , through radio announcements, newspaper articles, community agency contacts, public speaking engagements, and community organizations.

(b) Develop and implement a hour training program for crisis line workers on rape trauma syndrome, counseling techniques, and the treatment of victims.

(c) Evaluate each crisis-line worker's ability to deal with victims through individual written and oral testing.

(d) Develop and send on-call schedules monthly to crisis line workers for 24-hour coverage of the crisis line.

(e) Conduct monthly case management training sessions.

(f) Recruit guest speakers, from other agencies and related professions, for in-service training sessions.

(g) Provide a monthly newsletter for crisis line workers to keep them updated on program business and monthly in-service training sessions.

(h) Advertise program services through radio and television announcements, newspaper articles, and literature available at hospitals, police stations, district attorney's offices, and schools.

(i) Provide services to victims.

2. To provide follow-up counseling services to sexual assault victims per month, during this fiscal year, as compared to victims per month during Fiscal Year 1983/84.
- (a) Provide training in counseling techniques and the provision of information and referrals to ensure adequate follow-up counseling services.
- (b) Provide supervision and regular case management to crisis line workers.
- (c) Contact victims provided with crisis intervention services, by telephone, to assess follow-up service needs and discuss the services available by this program and other service providers in the service area.
- (d) Provide weekly individual and/or group counseling sessions for victims of sexual assault.
- (e) Contact victims provided with referrals to ensure the needed services have been received.
- (f) Through random mailings, where appropriate, request client feedback on services needed.
3. To provide accompaniment and advocacy services to sexual assault victims, during this fiscal year, as compared to during Fiscal Year 1983/84.
- (a) Provide training to staff and volunteers to ensure the provision of 24-hour accompaniment and advocacy services.
- (b) Maintain networking and linkage with all county law enforcement, district attorney, mental health, victim/witness, social service, and community-based organizations to keep them informed of the availability of accompaniment services for sexual assault victims.

- (c) Provide sexual assault victims with information about accompaniment and advocacy services.
 - (d) Provide services as needed.
4. To provide in-person counseling services to sexual assault victims during this fiscal year as compared to victims during Fiscal Year 1983/84.
 - 4(a) Provide follow-up contact to determine needs of victims and make them aware of program counseling services.
 - (b) Provide an area at the program's offices for in-person counseling sessions on an ongoing basis.
 - (c) Arrange and provide in-person counseling sessions for sexual assault victims at other feasible locations.
 - (d) Train crisis-line workers to provide in-person counseling services.
 - (e) Provide ongoing training for staff in the area of victim counseling through weekly meetings with a mental health consultant.
 - (f) Maintain an updated referral list of counselors and therapists that provide in-person counseling services to sexual assault victims.
5. To provide information and referral services to persons during this fiscal year, as compared to persons during Fiscal Year 1983/84.
 - 5(a) Provide crisis line workers and staff with a comprehensive resource manual which includes law enforcement agencies, medical service providers, victim/witness programs,

community resources, therapists, and other care providers.

- (b) Provide training in the use of the community resource manual.
- (c) Provide updated information and referral material at monthly case management meetings.

2. Rape Prevention

This program component allocates financial resources for primary and secondary rape prevention programs. These funds may be used for programs directed toward the prevention of sexual assault of children, but not toward the prevention of abuse of children resulting from physical abuse or neglect. These funds may not be used for expenditures related to the provision of counseling services.

Applicants for funding under this component should review the objectives and methodological activities provided below and incorporate this format in respective proposals.

<u>OBJECTIVES</u>	<u>ACTIVITIES</u>
1. To provide _____ community education programs to _____ persons during this fiscal year, as compared to _____ programs to _____ persons during Fiscal Year 1983-84.	1(a) Contact _____ community organizations, agencies, schools, and businesses to inform them of the availability of sexual assault awareness/prevention programs.

- (b) Schedule sexual assault awareness/prevention programs, as requested, maintaining an average of _____ programs a month to _____ people.
 - (c) Train staff and/or volunteers on the delivery of presentations.
 - (d) Conduct presentations utilizing current outlines and films.
 - (e) Distribute pamphlets and brochures on sexual assault prevention at all community education programs.
2. To provide _____ self defense classes, of _____ hours in length to _____ persons during this fiscal year, as compared to _____ classes of _____ hours in length, to _____ persons during FY 1983-84
- 2(a) Contact _____ community agencies, clubs, churches, and social organizations to inform them of the availability of self-defense classes.
 - (b) Publish listings of classes and distribute to mailing list of _____ agencies/organizations via bulk mail.
 - (c) Schedule classes as requested, maintaining an average of _____ classes to _____ persons per month.
 - (d) Develop and implement publicity strategies.
 - (e) Arrange for child care for each class.
 - (f) Train staff on the delivery of self-defense classes.
 - (g) Conduct classes utilizing established outlines.
 - (h) Distribute program schedules, brochures and handouts at all classes.

3. To develop _____ rape prevention Public Service Announcements (PSAs) of _____ minutes in length to be aired by _____ radio stations during this fiscal year, as compared public service announcements of _____ minutes in length aired on _____ radio stations during FY 1983-84.
- 3(a) Develop the PSA's.
 (b) Contact _____ radio stations to ascertain those wanting to participate.
 (c) Identify those stations that will be utilized.
 (d) Distribute PSA's.
 (e) Follow-up with each radio station after each PSA to determine if changes are required.

3. Child Sexual Abuse and Sexual Exploitation

This program component allocates funds for the prevention and treatment of child sexual abuse and sexual exploitation.

Prevention programs are defined in Section III A. 2. Treatment programs are those providing direct services (i.e., tertiary prevention for victims and families of child sexual abuse and sexual exploitation).

Programs applying for funding under this component should review the objectives and methodological activities provided below and incorporate this format in respective proposals.

<u>OBJECTIVES</u>	<u>ACTIVITIES</u>
1. To provide age appropriate Child Sexual Abuse and Sexual Exploitation Programs to _____ children at _____ elementary schools during this fiscal year as compared to _____ programs to _____ children at _____ elementary schools during FY 1983-84.	1(a) Schedule, in coordination with Principal, child workshops. (b) Provide school with permission slips. Schools obtain parental permission.

- (c) Deliver workshops to children. Workshop includes: Roleplays - child vs. stranger, child vs. known adult, recognition of rights and their violation; verbal and physical self assertion; peer support; talking to a trusted adult; discussion of good and bad touches, good and bad secrets; bribes; consulting school staff.
- (d) Availability of private time for children to talk with staff, at school.
- (e) Crisis intervention and reporting sexual abuse cases to school staff/CPS/police as needed.
- (f) Follow-up visit to school CPS, police.
- (g) Follow-up visit to school site, to weeks after the program to talk with children who request consultation.
- (h) Written evaluation from all teachers, personal exit interview with the school Principal by Project Coordinator.
2. To provide parent education child sexual abuse and sexual exploitation programs to parents at elementary schools, during this fiscal year, as compared to programs for parents at elementary schools, during FY 83/84.
- (a) Schedule and publicize parent workshops through school and newspapers. Two workshops/school.
- (b) Deliver workshops to parents. Workshops include: overview and philosophy, demonstration of child workshop, communication with children, prevention techniques, positive parenting, reporting, referrals, evaluation.

- (c) Distribute handouts, and information sheet, identifying sexual abuse cases, empowerment games, referral list.
- (d) Written evaluation from participants. Evaluate effectiveness and adapt as necessary.
3. To provide teacher education child sexual abuse and sexual exploitation programs to teachers and school personnel at elementary schools during this fiscal year, as compared to programs for teachers and school personnel at schools during FY 1983-84.
- 3(a) Schedule, in coordination with Principal, school workshop.
- (b) Deliver trainings to school staff, one per school, one week prior to children's workshops, on identification of abuse victims, crisis intervention, reporting, referrals, evaluation.
- (c) Distribute handouts and information sheet.
- (d) Written evaluation from participants. Evaluate effectiveness and adapt as necessary.
4. To provide crisis intervention services to victims of child sexual abuse or sexual exploitation during this fiscal year, as compared to victims of child sexual abuse or sexual exploitation during FY 83-84.
- 4(a) Recruit and train staff and volunteers to provide direct counseling services.
- (b) Develop and implement a training program for direct service providing employees.
- (c) Evaluate direct services providing staff's ability to deal with child victims.
- (d) Conduct monthly case management training sessions.
- (e) Recruit and schedule in-service trainings with guest speakers from other local agencies

handling child sexual abuse and sexual exploitation victims.

- (f) Advertise program services through radio and T.V. announcements, newspaper articles and brochures.
 - (g) Provide direct services to victims.
5. Provide accompaniment and advocacy services for child sexual abuse and sexual exploitation victims and families during this fiscal year, as compared to the provisions of these services to victims and families during FY 83-84.
- 5(a) Provide training to staff and volunteers to ensure the provision of accompaniment and advocacy services.
 - (b) Maintain networking and linkages with local law enforcement, district attorney, mental health, social service, victim/witness and community based organizations to keep them informed of the availability of these services.
 - (c) Provide services as needed.
6. Conduct group counseling programs of sessions per program for child sexual abuse and sexual exploitation victims per program during this fiscal year, as compared to programs of sessions in duration for a total of victims during FY 83-84.
- 6(a) Develop format for group programs.
 - (b) Publicize the availability of the program.
 - (c) Select and train staff to conduct program.
 - (d) Select victim participants.
 - (e) Conduct groups.
 - (f) Evaluate effectiveness of groups by administering pre and post questionnaires to victims and parents or guardians.

7. To develop a formal written agreement with treatment programs describing a referral relationship during this fiscal year as compared to _____ during FY 1983/84.
- (a) Contact local treatment programs to discuss mutual concerns and referral needs.
- (b) Develop formal written agreement or memorandum of understanding.
- (c) Each agency involved in these agreements will co-sign the document.

4. TARGET PROJECT: Sexual Assault Victim Services and Prevention

This program component allows for the special needs of areas which are presently unserved or significantly underserved. The guiding assumption for the target program component involves meeting special problems with a tailored funding approach. OCJP's intent is that the state funding commitment to these target areas will be extended in one year increments for three or more years, depending on the availability of funds.

The conditions which define a target area include, but are not limited to:

- a high crime rate for forcible rape,
- unmet need, as defined by local service agencies or practitioners, criminal justice and law enforcement agencies,
- significant under service to sexual assault victims, as defined by local service providers, criminal justice and law enforcement agencies,

- special service delivery problems, such as, hazardous working conditions, an absence of complementary service providers or agencies, high cost of providing services, lack of alternative funding sources, geographical and/or economic conditions, etc,
- unmet need for culturally and/or ethnically appropriate services,
- the possibility of developing inter-jurisdictional approaches among contiguous service areas.

The anticipated grant schedule would involve substantial funding for the first year of the grant. The amount of this funding would be a function of negotiations with individual target programs. In subsequent years of funding, target programs may receive a reduction in the allocation. Ultimately, target programs would receive funding consistent with comparable service providers. Subsequent years funding for target programs will be contingent upon satisfactory performance, as determined by OCJP.

IV. SELECTION PROCESS AND GRANT AWARD CONDITIONS

A. Selection Process

Office of Criminal Justice Planning Review

Upon receipt of proposals in response to an RFP, OCJP staff will review and score all proposals, based on the score sheet developed for each RFP, and will make recommendations for funding to the State Advisory Committee and when appropriate, to the Child Sexual Abuse and Sexual Exploitation Subcommittee.

State Advisory Committee Review

The State Advisory Committee reviews OCJP staff recommendations for funding and approves grants pursuant to its authority under State Statute. Approval of grants is based on the organization's conformance to the RFP, the statutory criteria, the statutory interpretations, the criteria established by the State Advisory Committee, the program goals and objectives, and the rating of the organization's proposal based on the score sheet developed for each RFP.

B. Grant Conditions

1. Grant Periods

Grant awards cover a 12-month period. Any extension or reduction of this 12-month period requires prior approval by OCJP. It should be noted, based on Section 3510 of the OCJP Subgrantee Handbook, that delays in initiating a project must be reported to OCJP and that if a project is not operating within 90 days of the grant period starting date that OCJP has the option of cancelling the project and redistributing the funds.

2. Grant Amounts

The amount of funds for which an applicant is eligible to apply for will be determined by the State Advisory Committee in conjunction with OCJP prior to the release of each Request-for-Proposal (RFP). This information is contained in the RFP.

3. Eligible Expenses and Program Components

Eligible expenses include direct and indirect program costs, however the same item may not be shown under both areas. Direct costs include expenses related to the actual provision of programs and services, such as a community education coordinator, a self-defense instructor, the 24-hour crisis line, and the printing of brochures. Indirect costs include expenses such as accounting services or a telephone system that is used by four separate programs.

4. Other Conditions

Funds disbursed under this program shall not be used to supplant other funding sources.

Funds disbursed under this program are to be used to provide local assistance to centers and not to generate "for profit" income for the project. It is recognized that non-profit corporations receive donations and other income through a variety of activities and events. Questions concerning project income should be discussed with OCJP staff. Regulations concerning project income are also described in the OCJP Subgrantee Handbook.

V. ADMINISTRATIVE REQUIREMENTS

A. OCJP Subgrantee Handbook

Subgrantees must administer their grants in accordance with the applicable provisions of the OCJP Subgrantee Handbook. By incorporating Attachment No. 2, the Standard Grant Award Conditions Form, into the application, the applicant agrees to abide by the applicable administrative and fiscal conditions outlined in the Handbook. Failure to comply with these requirements can result in the withholding and/or termination of the grant award. The OCJP Subgrantee Handbook will be provided to all applicants selected for funding.

B. Evaluation Plan

An evaluation of the California Sexual Assault Victim Services and Prevention Program will be conducted by the Office of Criminal Justice Planning during each funding year. Failure to comply with evaluation requirements, which includes data collection, can result in the withholding of funds and/or termination of the grant award.

C. Quarterly Progress Report and Data Collection

Funded projects are required to participate in data collection, to document the incidence of sexual assault, child sexual abuse and child sexual exploitation in the State of California and to submit Quarterly Progress Reports. An agreement form, in the application package, certifies that the applicant will comply with these requirements.

Compliance with data collection requirements and the submission of quarterly progress reports in a timely as well as complete manner is mandatory.

D. Financial Reports

All projects selected for funding by OCJP must submit a Monthly Report of Expenditures (Form 201). This form is due by the tenth of each month and must be submitted whether or not the project has incurred expenses. Delays in submission of these forms can result in the withholding of funds and/or the termination of the grant award.

E. Monitoring Requirements

Projects selected for funding will be monitored, by OCJP staff, during the grant year. Projects are expected to cooperate with the conducting of site visits by preparing organizational, programmatic, and fiscal information for review by OCJP staff.

F. Bonding Requirement

Non-government subgrantees must bond all individuals who will receive or disburse grant funds. The bond amount will be at least 50 percent of the total grant award and must be obtained within 30 days after final execution of the grant award. Evidence of this bond must be submitted to OCJP within 90 days of the grant period's starting date. Applicants receiving other funds through OCJP must, at a minimum, obtain a bond for the amount equal to 50 percent of the total OCJP funds received.

Senate Bill No. 862

CHAPTER 917

An act to amend Section 912 of, and to add Article 8.5 (commencing with Section 1035) to Chapter 4 of Division 8 of, the Evidence Code, to amend Section 1598.1 of the Health and Safety Code, and to amend Section 13516 of, and to add Article 3 (commencing with Section 13836), and Article 4 (commencing with Section 13837) to, Chapter 1 of Title 6 of Part 4 of, the Penal Code, relating to sexual assault, and making an appropriation therefor.

[Approved by Governor September 17, 1980. Filed with Secretary of State September 17, 1980.]

LEGISLATIVE COUNSEL'S DIGEST

SB 862, Robbins. Victims of crimes.

Existing law provides evidentiary privileges for confidential communications between a psychotherapist and a patient, between a physician and a patient, and for penitential communications between a clergyman and a penitent, but does not provide for an evidentiary privilege for communications between a sexual assault counselor and a victim of a sexual assault.

This bill would provide for a sexual assault counselor-victim privilege. A confidential communication between a victim of a sexual assault who consults with a sexual assault counselor at what is commonly known as a rape crisis center would be privileged. A victim of a sexual assault would have a privilege to refuse to disclose and to prevent other persons from disclosing a confidential communication between the victim and the counselor. The term sexual assault victim counselor would be defined to mean a person engaged in a rape crisis center and registered as a sexual assault victim counselor with the Division of Allied Health Professions of the Board of Medical Quality Assurance.

Existing law provides for optional training of specialists in sexual assault case investigation which is implemented by the Commission on Peace Officer Standards and Training and for reimbursement to local agencies for basic peace officer training, and provides for grants by the Department of Social Services to rape crisis centers.

This bill would require specified peace officer participation in sexual assault case investigation training. The bill would provide for establishment of an advisory committee by the Office of Criminal Justice Planning to perform specified functions relative to sexual assault investigation training for district attorneys and to perform specified functions relative to grants to rape crisis centers. The bill would also require the Office of Criminal Justice Planning, rather than the State Department of Social Services, to make the grants to the rape crisis centers.

The bill would provide that funds appropriated by the 1980 Budget Act to the State Department of Social Services for grants to rape crisis centers shall be appropriated to the Office of Criminal Justice Planning and would also appropriate \$412,500 for purposes of replacing Law Enforcement Assistance Administration funds for grants by the department, and \$150,000 for the district attorneys' sexual assault case investigation training.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 912 of the Evidence Code is amended to read:

912. . (a) Except as otherwise provided in this section, the right of any person to claim a privilege provided by Section 954 (lawyer-client privilege), 980 (privilege for confidential marital communications), 994 (physician-patient privilege), 1014 (psychotherapist-patient privilege), 1033 (privilege of penitent), 1034 (privilege of clergyman), or 1035.8 (sexual assault victim-counselor privilege) is waived with respect to a communication protected by such privilege if any holder of the privilege, without coercion, has disclosed a significant part of the communication or has consented to such disclosure made by anyone. Consent to disclosure is manifested by any statement or other conduct of the holder of the privilege indicating consent to the disclosure, including failure to claim the privilege in any proceeding in which the holder has the legal standing and opportunity to claim the privilege.

(b) Where two or more persons are joint holders of a privilege provided by Section 954 (lawyer-client privilege), 994 (physician-patient privilege), 1014 (psychotherapist-patient privilege), or 1035.8 (sexual assault victim-counselor privilege), a waiver of the right of a particular joint holder of the privilege to claim the privilege does not affect the right of another joint holder to claim the privilege. In the case of the privilege provided by Section 980 (privilege for confidential marital communications), a waiver of the right of one spouse to claim the privilege does not affect the right of the other spouse to claim the privilege.

(c) A disclosure that is itself privileged is not a waiver of any privilege.

(d) A disclosure in confidence of a communication that is protected by a privilege provided by Section 954 (lawyer-client privilege), 994 (physician-patient privilege), 1014 (psychotherapist-patient privilege), or 1035.8 (sexual assault victim-counselor privilege), when such disclosure is reasonably necessary for the accomplishment of the purpose for which the lawyer, physician, psychotherapist, or sexual assault counselor was consulted, is not a waiver of the privilege.

SEC. 2 Article 8.5 (commencing with Section 1035) is added to Chapter 4 of Division 8 of the Evidence Code, to read:

Article 8.5. Sexual Assault Victim-Counselor Privilege

1035. As used in this article, "victim" means a person who consults a sexual assault victim counselor for the purpose of securing advice or assistance concerning a mental, physical, or emotional condition caused by a sexual assault.

1035.2 As used in this article, "sexual assault victim counselor" means a person who is engaged in any office, hospital, institution, or center commonly known as a rape crisis center, whose primary purpose is the rendering of advice or assistance to victims of sexual assault and who is registered as a sexual assault victim counselor with the Division of Allied Health Professions of the Board of Medical Quality Assurance. To register, a sexual assault counselor shall meet one of the following requirements:

(a) Be a psychotherapist as defined in Section 1010; or have a master's degree in counseling or a related field; or have two years of supervised counseling experience, at least one of which is in rape crisis counseling; or

(b) Have 40 hours of training, as described below and be supervised by an individual who qualifies as a counselor under subdivision (a). The training, to be supervised by a person qualified under subdivision (a), shall include, but not be limited to, the following areas: law, medicine, societal attitudes, crisis intervention and counseling techniques, role playing, referral services, and sexuality.

1035.4 As used in this article, "confidential communication between the sexual assault counselor and the victim" means information transmitted between the victim and the sexual assault counselor in the course of their relationship and in confidence by a means which, so far as the victim is aware, discloses the information to no third persons other than those who are present to further the interests of the victim in the consultation or those to whom disclosures are reasonably necessary for the transmission of the information or an accomplishment of the purposes for which the sexual assault counselor is consulted. The term includes all information regarding the victim's prior or subsequent sexual conduct, and opinions regarding the victim's sexual conduct or reputation in sexual matters. The term does not include advice given by the sexual assault counselor on potential testimony in court.

Information received by the sexual assault counselor which constitutes relevant evidence of the facts and circumstances involving an alleged sexual assault about which the victim is complaining and which is the subject of a criminal proceeding is not a confidential communication.

In the event of a dispute regarding what is or is not a confidential

communication, the following procedure shall be followed:

(1) A written motion shall be made by the defendant to the court and prosecutor stating that the defense has an offer of proof of the relevancy of evidence containing prior inconsistent statements for the purposes of impeachment or evidence that any element of the offense charged is not present.

(2) The written motion shall be accompanied by an affidavit in which the offer of proof shall be stated.

(3) If the court finds that the offer of proof is sufficient, the court shall order a hearing out of the presence of the jury, if any, and at such hearing allow the questioning of the sexual assault counselor regarding the offer of proof made by the defendant.

(4) At the conclusion of the hearing, if the court finds that evidence proposed to be offered by the defendant regarding the sexual conduct of the complaining witness is relevant pursuant to Section 780, and is admissible pursuant to Section 352, the court may make an order stating what evidence may be introduced by the defendant, and the nature of the questions to be permitted. The defendant may then offer evidence pursuant to the order of the court.

1035.6. As used in this article, "holder of the privilege" means:

- (a) The victim when such person has no guardian or conservator.
- (b) A guardian or conservator of the victim when the victim has a guardian or conservator.

(c) The personal representative of the victim if the victim is dead.

1035.8. A victim of a sexual assault, whether or not a party, has a privilege to refuse to disclose, and to prevent another from disclosing, a confidential communication between the victim and a sexual assault victim counselor if the privilege is claimed by:

- (a) The holder of the privilege;
- (b) A person who is authorized to claim the privilege by the holder of the privilege; or
- (c) The person who was the sexual assault victim counselor at the time of the confidential communication, but such person may not claim the privilege if there is no holder of the privilege in existence or if he is otherwise instructed by a person authorized to permit disclosure.

1036. The sexual assault victim counselor who received or made a communication subject to the privilege under this article shall claim the privilege whenever he is present when the communication is sought to be disclosed and is authorized to claim the privilege under subdivision (c) of Section 1035.8.

1036.2. As used in this article, "sexual assault" includes:

- (a) Rape, as defined in Section 261 of the Penal Code;
- (b) Unlawful sexual intercourse, as defined in Section 261.5 of the Penal Code;
- (c) Rape in concert with force and violence, as defined in Section 264.1 of the Penal Code;

- (d) Sodomy, as defined in Section 286 of the Penal Code, except a violation of subdivision (e) of that section;
- (e) A violation of Section 288 of the Penal Code;
- (f) Oral copulation, as defined in Section 288a of the Penal Code, except a violation of subdivision (e) of that section;
- (g) Annoying or molesting a child under 18, as defined in Section 647a of the Penal Code; or
- (h) Any attempt to commit any of the above acts.

SEC. 3. Section 1598.1 of the Health and Safety Code is amended to read:

1598.1. The State Department of Social Services shall provide grants to proposed and existing local rape victim counseling centers. Such centers shall maintain a 24-hour telephone counseling service for rape victims, appropriate in-person counseling and referred service during normal business hours, and maintain other standards or services which shall be determined to be appropriate by the advisory committee established pursuant to Section 13836 of the Penal Code as grant conditions. The advisory committee shall identify the criteria to be utilized in awarding the grants provided by this chapter before any funds are allocated.

In order to be eligible for funding pursuant to this chapter, the centers shall demonstrate an ability to receive and make use of any funds available from governmental, voluntary, philanthropic, or other sources which may be used to augment any state funds appropriated for purposes of this chapter. Each center receiving funds pursuant to this chapter shall make every attempt to qualify for any available federal funding.

State funds provided to establish centers shall be utilized when possible, as determined by the advisory committee, to expand the program and shall not be expended to reduce fiscal support from other public or private sources. The centers shall maintain quarterly and final fiscal reports in a form to be prescribed by the advisory committee. In granting funds, the advisory committee shall give priority to centers which are operated in close proximity to medical treatment facilities.

SEC. 4. Section 13516 of the Penal Code is amended to read:

13516. (a) The commission shall prepare guidelines establishing standard procedures which may be followed by police agencies in the investigation of sexual assault cases, including police response to, and treatment of, victims of such crimes.

(b) The course of training leading to the basic certificate issued by the commission shall, on and after July 1, 1977, include adequate instruction in the procedures described in subdivision (a). No reimbursement shall be made to local agencies based on attendance on or after such date at any such course which does not comply with the requirements of this subdivision.

(c) The commission shall prepare and implement a course of training of specialists in the investigation of sexual assault cases.

Officers assigned as sexual assault investigations specialists shall successfully complete such training within six months of the date such assignment was made.

(d) It is the intent of the Legislature in the enactment of this section to encourage the establishment of sex crime investigation units in police agencies throughout the state.

SEC. 5. Article 3 (commencing with Section 13836) is added to Chapter 1 of Title 6 of Part 4 of the Penal Code, to read:

Article 3. Training of Sexual Assault Investigators

13836 The Office of Criminal Justice Planning shall establish an advisory committee which shall develop a course of training for district attorneys in the investigation and prosecution of sexual assault cases and shall approve grants awarded pursuant to Section 13837. The course shall include training in the unique emotional trauma experienced by victims of sexual assault.

It is the intent of the Legislature in the enactment of this chapter to encourage the establishment of sex crime prosecution units in district attorneys' offices throughout the state.

13836.1. Such committee shall consist of 11 members. Five shall be appointed by the executive director of the Office of Criminal Justice Planning, and shall include three district attorneys or assistant or deputy district attorneys, one representative of a city police department, and one public defender or assistant or deputy public defender of a county. Six shall be public members appointed by the Commission on the Status of Women, and shall include one representative of a rape crisis center, and one medical professional experienced in dealing with sexual assault trauma victims. The committee members shall represent the points of view of diverse ethnic and language groups.

Members of the committee shall receive no compensation for their services but shall be reimbursed for their expenses actually and necessarily incurred by them in the performance of their duties. Staff support for the committee shall be provided by the Office of Criminal Justice Planning.

13836.2. (a) The office shall reimburse each county for the costs of salaries and transportation to the extent necessary to permit up to 10 percent of the staff of the district attorney to complete the course of training established pursuant to this chapter. The office shall prescribe the manner in which such training shall be obtained. Such training shall be offered at least once each year in both northern and southern California.

(b) The office shall seek certification from the State Bar of the course as a course which may be taken to complete the Criminal Law Specialist Certificate.

SEC. 6. Article 4 (commencing with Section 13837) is added to Chapter 1 of Title 6 of Part 4 of the Penal Code, to read:

Article 4. Rape Victim Counseling Centers

13837. The Office of Criminal Justice Planning shall provide grants to proposed and existing local rape victim counseling centers. Such centers shall maintain a 24-hour telephone counseling service for rape victims, appropriate in-person counseling, and referred service during normal business hours, and maintain other standards or services which shall be determined to be appropriate by the advisory committee established pursuant to Section 13836 as grant conditions. The advisory committee shall identify the criteria to be utilized in awarding the grants provided by this chapter before any funds are allocated.

In order to be eligible for funding pursuant to this chapter, the centers shall demonstrate an ability to receive and make use of any funds available from governmental, voluntary, philanthropic, or other sources which may be used to augment any state funds appropriated for purposes of this chapter. Each center receiving funds pursuant to this chapter shall make every attempt to qualify for any available federal funding.

State funds provided to establish centers shall be utilized when possible, as determined by the advisory committee, to expand the program and shall not be expended to reduce fiscal support from other public or private sources. The centers shall maintain quarterly and final fiscal reports in a form to be prescribed by the administering agency. In granting funds, the advisory committee shall give priority to centers which are operated in close proximity to medical treatment facilities.

SEC. 7. Money appropriated by Schedule (b) (4) of Item 312 of the Budget Act of 1980 to the State Department of Social Services for rape victim counseling centers shall be appropriated to the Office of Criminal Justice Planning for that purpose.

SEC. 8. The sum of five hundred sixty-two thousand five hundred dollars (\$562,500) is hereby appropriated from the General Fund to the State Controller without regard to fiscal years to be allocated as follows:

(a) The sum of one hundred fifty thousand dollars (\$150,000) to the Office of Criminal Justice Planning for establishing an advisory committee and developing a training course pursuant to Section 13836 of the Penal Code and for reimbursement to specified counties pursuant to Section 13836.2 of the Penal Code.

(b) The sum of four hundred twelve thousand five hundred dollars (\$412,500) to the Office of Criminal Justice Planning for grants pursuant to Section 1598.1 of the Health and Safety Code to maintain the current level of support of such grants if there is no 1981 fiscal year Law Enforcement Assistance Administration appropriation for state and local grant assistance.

ATTACHMENT B

Senate Bill No. 588

CHAPTER 1062

An act to amend Sections 13516, 13836, and 13837 of the Penal Code, relating to crimes.

[Approved by Governor September 30, 1981. Filed with Secretary of State September 30, 1981.]

LEGISLATIVE COUNSEL'S DIGEST

SB 588, Rains. Crimes: investigation and prevention.

Under existing law, the Commission on Peace Officer Standards and Training is required to prepare guidelines establishing standard procedures which may be followed by police agencies in the investigation of sexual assault cases and to prepare and implement a course for the training of specialists in the investigation of these cases. The Office of Criminal Justice Planning also is required to establish an advisory committee to develop a course of training for district attorneys in the investigation of such cases, and to provide grants to proposed and existing local rape victim counseling centers, as specified.

This bill would make the foregoing provisions relating to the development of investigation procedures and training also applicable to cases involving the sexual exploitation or sexual abuse of children. It also would require the Office of Criminal Justice Planning to provide grants to proposed and existing local child sexual exploitation and child abuse victim counseling centers.

It would state that it is the intent of the Legislature that the costs incurred as a result of the enactment of the bill shall not be funded by General Fund moneys.

The people of the State of California do enact as follows:

SECTION 1. Section 13516 of the Penal Code is amended to read:

13516. . (a) The commission shall prepare guidelines establishing standard procedures which may be followed by police agencies in the investigation of sexual assault cases, and cases involving the sexual exploitation or sexual abuse of children, including, police response to, and treatment of, victims of such crimes.

(b) The course of training leading to the basic certificate issued by the commission shall, on and after July 1, 1977, include adequate instruction in the procedures described in subdivision (a). No reimbursement shall be made to local agencies based on attendance on or after such date at any such course which does not comply with the requirements of this subdivision.

(c) The commission shall prepare and implement a course for the training of specialists in the investigation of sexual assault cases, child

sexual exploitation cases, and child sexual abuse cases. Officers assigned as investigation specialists for these crimes shall successfully complete their training within six months of the date the assignment was made.

(d) It is the intent of the Legislature in the enactment of this section to encourage the establishment of sex crime investigation units in police agencies throughout the state, which units shall include, but not be limited to, investigating crimes involving the sexual exploitation and sexual abuse of children.

SEC. 2. Section 13836 of the Penal Code is amended to read:

13836. The Office of Criminal Justice Planning shall establish an advisory committee which shall develop a course of training for district attorneys in the investigation and prosecution of sexual assault cases, child sexual exploitation cases, and child sexual abuse cases and shall approve grants awarded pursuant to Section 13837. The courses shall include training in the unique emotional trauma experienced by victims of these crimes.

It is the intent of the Legislature in the enactment of this chapter to encourage the establishment of sex crime prosecution units, which shall include, but not be limited to, child sexual exploitation and child sexual abuse cases, in district attorneys' offices throughout the state.

SEC. 3. Section 13837 of the Penal Code is amended to read:

13837. The Office of Criminal Justice Planning shall provide grants to proposed and existing local rape, child sexual exploitation, and child sexual abuse victim counseling centers. The centers shall maintain a 24-hour telephone counseling service for sex crime victims, appropriate in-person counseling and referred service during normal business hours, and maintain other standards or services which shall be determined to be appropriate by the advisory committee established pursuant to Section 13836 as grant conditions. The advisory committee shall identify the criteria to be utilized in awarding the grants provided by this chapter before any funds are allocated.

In order to be eligible for funding pursuant to this chapter, the centers shall demonstrate an ability to receive and make use of any funds available from governmental, voluntary, philanthropic, or other sources which may be used to augment any state funds appropriated for purposes of this chapter. Each center receiving funds pursuant to this chapter shall make every attempt to qualify for any available federal funding.

State funds provided to establish centers shall be utilized when possible, as determined by the advisory committee, to expand the program and shall not be expended to reduce fiscal support from other public or private sources. The centers shall maintain quarterly and final fiscal reports in a form to be prescribed by the administering agency. In granting funds, the advisory committee shall give priority to centers which are operated in close proximity to medical treatment facilities.

SEC. 4. It is the intention of the Legislature that the costs incurred as a result of the enactment of the provisions of this act shall not be funded by General Fund moneys.

Assembly Bill No. 3172

CHAPTER 1115

An act to add Section 13823.5 to the Penal Code, relating to victims of rape, and making an appropriation therefor.

[Approved by Governor September 16, 1982. Filed with Secretary of State September 17, 1982.]

LEGISLATIVE COUNSEL'S DIGEST

AB 3172, M. Waters. Office of Criminal Justice Planning: sexual assault advisory committee.

Existing law does not require the advisory committee to the Office of Criminal Justice Planning relative to sexual assault cases, to establish standardized procedures for the collection of evidence from victims of sexual assault or attempted sexual assault who are treated in hospital emergency rooms.

This bill would so provide. It would also require the advisory committee to develop an informational guide, as specified. It would also provide that copies of the standardized procedures and the informational guide shall be distributed to all emergency facilities in the state.

This bill would appropriate \$25,000 dollars from the General Fund for purposes of implementing this act.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 13823.5 is added to the Penal Code, to read: 13823.5. The advisory committee established pursuant to Section 13836, shall establish standardized procedures for the collection of evidence from victims of sexual assaults and attempted sexual assaults who are treated in hospital emergency rooms. The procedure shall include, but not be limited to, all of the following:

(a) Specification of the materials to be provided to hospitals by local law enforcement agencies to collect evidence and to preserve each item of evidence separately.

(b) An explicit description of techniques required to properly preserve the evidence.

(c) Specific questions to be asked of the victim in order to provide guidance to the health professional as to the appropriate extent of the physical examination, requiring noninterpretive responses addressed only to visible fact.

(d) Procedures for recording factual information obtained in terms of the evidence collected.

(e) Labelling and sealing of the evidence collected identifying the collector and attesting to the fact that the evidence was obtained

from a specified victim.

(f) Procedures clearly establishing responsibility for the preservation and transmission of the evidence to law enforcement authorities.

(g) The length of time that the evidence shall be preserved by law enforcement authorities.

(h) Identification of emergency room personnel and other individuals who may be authorized to ask the victim specific questions that will provide guidance as to the extent of the physical examination.

The advisory committee shall also develop an informational guide containing general information on the appropriate examination and interview techniques for victims of sexual assaults.

In developing the standardized examination procedures and the informational guide the advisory committee shall seek the assistance and guidance of organizations assisting victims of sexual assault; nurses, physicians, and administrators who are familiar with emergency room procedures; victims of sexual assault; and law enforcement officials.

The committee shall distribute copies of the standardized procedures and the informational guide to all emergency facilities in the state.

SEC. 2. The sum of twenty-five thousand dollars (\$25,000) is hereby appropriated from the General Fund to the Office of Criminal Justice Planning for purposes of implementing this act.

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Revised March 19, 1984

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