

	<h1>Garner Police Department</h1> <h2>Written Directive</h2>	
	<b>Chapter:</b> 800 - Operations	
	<b>Directive:</b> 820.03 – Victim/Witness Assistance	
<b>Authorized by:</b> Chief Brandon Zuidema		<b>Effective Date:</b> April 1, 2016
<b>CALEA Standards:</b> 22.2.4, 55.1.1, 55.1.2, 55.1.3, 55.2.1, 55.2.2, 55.2.3, 55.2.4, 55.2.5, 55.2.6 and 81.2.7		<b>Last Revision:</b> October 1, 2015

### 820.3.1 - Purpose

The purpose of this directive is to establish policy and procedures regarding the development, implementation, and perpetuation of appropriate victim/witness assistance programs.

### 820.3.2 - Policy

It will be the policy of the Department to provide assistance and appropriate support to victims and witnesses while demonstrating compassion and dignity.

### 820.3.3 - Objectives

The primary objective of the Garner Police Department is to ensure that all victims and all other witnesses receive professional treatment. It is the responsibility of the Department to see that those victims and witnesses who come into contact with our Department are informed of appropriate support agencies and resources that are available.

### 820.3.4 - Definitions

- A. Referral - Informing the victim/witness of appropriate support agencies or resources available to them.
- B. Victim - As defined in NCGS §15A-830, and for the purposes of this directive, a victim is a person against whom there is probable cause to believe one of the following crimes was committed:
  1. A Class A, B1, B2, C, D, or E felony.
  2. A Class F felony if it is a violation of one of the following: G.S. 14-16.6(b); 14-16.6(c); 14-18; 14-32.1(e); 14-32.2(b)(3); 14-32.3(a); 14-32.4; 14-34.2; 14-34.6(c); 14-41; 14-43.3; 14-43.11; 14-190.17; 14-190.19; 14-202.1; 14-277.3A; 14-288.9; 20-138.5; or former G.S. 14-277.3.
  3. A Class G felony if it is a violation of one of the following: G.S. 14-32.3(b); 14-51; 14-58; 14-87.1; or 20-141.4.
  4. A Class H felony if it is a violation of one of the following: G.S. 14-32.3(a); 14-32.3(c); 14-33.2; 14-277.3A; or former G.S. 14-277.3.
  5. A Class I felony if it is a violation of one of the following: G.S. 14-32.3(b); 14-34.6(b); or 14-190.17A.
  6. An attempt of any of the felonies listed in this subdivision if the attempted felony is punishable as a felony.

7. Any of the following misdemeanor offenses when the offense is committed between persons who have a personal relationship as defined in G.S. 50B-1(b): G.S. 14-33(c)(1); 14-33(c)(2); 14-33(a); 14-34; 14-134.3; 14-277.3A; or former G.S. 14-277.3.
  8. Any violation of a valid protective order under G.S. 50B-4.1.
- C. Victim Advocate - A person authorized to assist victims in specified ways.
- D. Victim Information - The information regarding services that is provided to victims and witnesses during preliminary investigations, upon arrest, and during post-arrest of a suspect
- E. Victim Impact Statement - A statement presented to the Court providing the victim the opportunity of expressing the impact of the crime committed against them.
- F. Witness - A person who, as determined by the Department, has information or evidence relevant to the investigation of a specified crime.

#### **820.3.5 - Victims' Rights (55.1.1)**

- A. As outlined in NCGS §15A-825, Department personnel should, to the extent reasonably possible and subject to available resources, assure that each victim and witness they encounter:
1. Is provided information regarding immediate medical assistance when needed and is not detained for an unreasonable length of time before having such assistance administered.
  2. Is provided information about available protection from harm and threats of harm arising out of cooperation with law-enforcement prosecution efforts, and receives such protection.
  3. Is provided information that testimony as to one's home address is not relevant in every case, and that the victim or witness may request the district attorney to raise an objection should he/she deem it appropriate to this line of questioning in the case at hand.
  4. Has any stolen or other personal property expeditiously returned by law-enforcement agencies when it is no longer needed as evidence, and its return would not impede an investigation or prosecution of the case. When feasible, all such property, except weapons, currency, contraband, property subject to evidentiary analysis, and property whose ownership is disputed, should be photographed and returned to the owner within a reasonable period of time of being recovered by law-enforcement officials.
  5. Is provided appropriate employer intercession services to seek the employer's cooperation with the criminal justice system and minimize the employee's loss of pay and other benefits resulting from such cooperation whenever possible.
  6. Is provided, whenever practical, a secure waiting area during court proceedings that does not place the victim or witness in close proximity to defendants and families or friends of defendants.
  7. Is informed of the procedures to be followed to apply for and receive any appropriate witness fees or victim compensation.
  8. Is informed of the right to be present throughout the entire trial of the defendant, subject to the right of the court to sequester witnesses.
  9. Is given the opportunity to be present during the final disposition of the case or is informed of the final disposition of the case, if he/she has requested to be present or be informed.

10. Is notified, whenever possible, that a court proceeding to which he has been subpoenaed will not occur as scheduled.
  11. Has a victim impact statement prepared for consideration by the court.
  12. Prior to trial, is provided information about plea bargaining procedures and is told that the district attorney may recommend a plea bargain to the court.
  13. Is informed that civil remedies may be available and that statutes of limitation apply in civil cases.
  14. Upon the victim's written request, is notified before a proceeding is held at which the release of the offender from custody is considered, if the crime for which the offender was placed in custody is a Class G or more serious felony.
  15. Upon the victim's written request, is notified if the offender escapes from custody or is released from custody, if the crime for which the offender was placed in custody is a Class G or more serious felony.
- B. The investigating officer will provide any victim with a Victim Notification Form (GPD form 820.3-A) as one means of providing the aforementioned information.
- C. In the event of a homicide, family members of the victim should be offered all the guarantees in this section (excluding immediate medical assistance).

**820.3.6 – Organization (55.1.2; 55.1.3)**

- A. The Criminal Investigations Division Commander will be responsible for supervision, administration, and coordination of the Department's efforts in victim/witness assistance. These responsibilities may be delegated as the CID Commander deems necessary.
- B. Training will be provided for both sworn and non-sworn personnel to inform them of victim/witness rights and assistance programs available. The initial training provided is conducted during the employee's orientation or field training period.
- C. The Department will maintain liaison with other criminal justice agencies, governmental and non-governmental agencies, and organizations concerned with victim/witness needs and rights.
- D. The CID Commander, or designee, will complete a review of victim/witness assistance needs and available services within the agency's service area at least once every three years. The review will be documented in memorandum format and submitted to the Chief of Police.

**820.3.7 – Single Point of Contact (55.2.1)**

The Raleigh-Wake Emergency Communications Center (RWECC) is staffed twenty-four (24) hours a day and is the single point of contact for victims/witnesses in need of victim/witness services. RWECC maintains procedures to make immediate notification to the Department and/or other service providers in the area for victims or witness requesting victim/witness information.

**820.3.8 - Preliminary Investigation (55.1.3; 55.2.3)**

- A. During the initial response and preliminary investigation, victims and witnesses will be given information on applicable services, including but not limited to, the following:
  1. Medical Assistance;
  2. Counseling and victim advocacy;

3. Compensation programs and/or emergency financial assistance; and
  4. Crisis intervention and referral services that are available twenty-four (24) hours a day.
- B. The responding officer will inform the involved parties of the case number and the subsequent steps in processing the case.
- C. The responding officer will provide the victim/witness with the number for the Department to enable them to call to report additional information about the case and to receive information on the status of the case.

**820.3.9 - Follow-Up Investigation (55.1.3; 55.2.4; 55.2.5)**

- A. The officer conducting the follow-up investigation shall recontact the victim/witness within ten (10) days of the initial report. Subsequent follow-ups will be made if the investigator believes that an above average level of victim/witness trauma has been triggered. Emphasis should be placed on crimes such as homicide, sexual offenses, domestic violence, abuse and neglect, and crimes against children and the elderly. The purpose of the second contact would be to determine whether the needs of the victim/witness are being met.
- B. The investigating officer will explain the procedures (including the confidentiality of victims/ witnesses and their role in case development consistent with applicable law) involved in the prosecution of the victim's case and their role in the case development and proceedings, unless the disclosure will endanger the successful prosecution of the case.
- C. Whenever possible, the investigating officer will schedule line-ups, interviews, and other required appearances at the convenience of the victim/witness. If necessary, the investigator may provide transportation for the victim/witness.
- D. A secure waiting area will be provided for the victim and other witnesses during arrest, pre-arrest, and post-arrest procedures, to ensure that they do not come into close proximity to suspects or associates unless necessary for the investigation.
- E. The investigating officer will return property belonging to victims/witnesses (except for contraband, disputed property, or weapons used in the commission of a crime) as promptly as possible when it is no longer needed for evidence.
- F. The investigating officer shall honor a victim/witness' request for the presence of a victim advocate during line-ups or similar proceedings, and assist the victim/witness in locating one. This may be done through the court system as well as through Interact of Wake County.
- G. The victim/witness will be notified, when possible, when an arrest is known to have been made involving an assigned case. The investigating officer should provide the charges and arrestee's custody status when known. The investigating officer will also explain to the victim/witness that they may call the Magistrate's office if they wish to check on the continued status of incarceration of the person arrested.

**820.3.10 - Victim/Witness Protection (55.2.2, 81.2.7)**

- A. Victims and witnesses should be directed to dial 911 if they feel that they are in immediate danger from a suspect or the suspect's family or associates. The victim or witness should contact the follow-up investigator if they feel they are being harassed.

1. The Raleigh-Wake Emergency Communications Center (RWECC) is staffed twenty-four (24) hours a day and is the primary point of contact for victims/witnesses in need of services after victimization and prior to the time of preliminary investigation.
2. RWECC personnel are likely to receive calls from victim/witnesses who request information or services. RWECC personnel will establish procedures which include:
  - a. Judging characteristics of the call to determine whether an emergency or non-emergency response is required, and
  - b. Informing victims/witnesses of the Department's responsibility including direct law enforcement services and/or referral to other agencies.
- B. The Department is obligated to provide appropriate assistance when victims or witnesses are threatened. Appropriate assistance must be evaluated based on the circumstances, and may range from ensuring protective custody through the District Attorney's Office to words of encouragement to re-arrest of the offender.
- C. It is illegal to threaten injury or destruction of another's property or to threaten, menace, or in any other manner, intimidate a person who is summoned or acting as a witness in court. Protection from domestic abuse is available under Chapter 50B in the N.C.G.S.
- D. If the Department becomes aware of danger to a victim or witness, the investigating officer should promptly attempt to contact and alert the victim/witness. When the victim/witness is in another jurisdiction, the appropriate agency should be informed of the situation and request that reasonable precautions are taken.

#### **820.3.11 - Assistance to Agency Personnel (22.2.4)**

In the event that a Department employee is killed or seriously injured in the line of duty, procedures outlined in GPD directive 310.09, *Line of Duty Death or Serious Injury*, will be followed.

#### **820.3.12 - Next of Kin Notification (55.2.6)**

- A. The Department will notify the next of kin of a deceased, seriously ill, or seriously injured person in the most timely and considerate manner possible.
- B. In the event of a death or serious injury/illness occurring within the jurisdiction of the Garner Police Department:
  1. The on-duty supervisor, or his/her designee, will personally visit the next of kin and deliver the notification. When possible, a Department Chaplain will accompany the notifying officer. If a Department Chaplain is not available, the officer shall attempt to have a family friend or, if known, a family pastor assist with the notification.
  2. If the family lives outside of the Garner Police Department's jurisdiction the on-duty supervisor will contact the law enforcement agency where the family is located. The supervisor will request that this agency make the notification. Once contact is made with the family the agency will be asked to notify the Garner supervisor that the task has been accomplished.
  3. In certain circumstances, it may be appropriate for the on-duty supervisor, or his/her designee, to make the notification if the next of kin lives close to the Garner Town limits (i.e. Southern Wake County, Northern Johnston County).
- C. In the event of a death or serious injury/illness occurring outside the jurisdiction of the Garner Police Department.

1. The Department will honor any request from another law enforcement agency to notify next of kin living inside the Garner Town limits. The on-duty supervisor, or his/her designee, will notify the next of kin in person. When available, a Department Chaplain will accompany the notifying officer. If a Department Chaplain is not available the notifying officer will attempt to have a family friend or, if known, a family pastor assist with the notification.
2. The requesting agency will be notified once the next of kin has been notified or if the next of kin cannot be contacted for any reason.

**820.3.13 - Public Awareness (55.1.3)**

- A. All Department personnel will promote and provide public information of victim / witness needs and the Department's duties and responsibilities toward meeting those needs.
- B. Department personnel will inform the public of victim/witness programs through community groups and the media. In addition, the Department will work closely with the following agency to provide brochures and related materials pertaining to victim/witness assistance:
  1. NC Crime Prevention Division, Department of Crime Control and Public Safety;
  2. Office of State Human Resources;
  3. NC Victim Assistance Network;
  4. State of North Carolina, Office of the Governor; and
  5. United States Department of Justice.
- C. These brochures will address topics including, but not limited to, the following:
  1. Child abuse;
  2. Family violence;
  3. General information for victims and witnesses of crime;
  4. Rape crisis; and
  5. Sexual assault.