

FLORENCE POLICE DEPARTMENT

GENERAL ORDER

Subject: VICTIM/WITNESS ASSISTANCE	Procedure: General Order 28.1.1 CALEA 55.1	Total Pages: 5
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I. POLICY

It is the policy of the Florence Police Department to recognize that crime victims and witnesses have special needs. Responsiveness to these needs will be a priority. As stated in the 1982 President’s Task Force on Victims of Crime, “the individual officer cannot be expected to meet each victim’s needs personally and immediately, but he can serve as the essential link between the victim and the services that are available.” Every employee will be expected to act as this link as part of the department-wide Victim/Witness Assistance Program.

II. PURPOSE

This written order establishes uniform operational guidelines regarding the rights, assistance, and services made available to victims and witnesses of criminal offenses.

III. SCOPE

This written order is applicable to all personnel.

IV. RESPONSIBILITY

All personnel are responsible for complying with this directive.

V. DEFINITION

- A. **VICTIM:** A person who suffers physical, financial, or emotional harm as the direct result of a specified crime committed upon his/her person or property. Also regarded as victims are:
 - 1. A spouse, child, parent, or legal guardian of a minor victim, or;
 - 2. A spouse, child sibling, parent, or legal guardian of a homicide victim. This definition excludes any person involved in a crime as a perpetrator or accomplice.
- B. **WITNESS:** A person who, as determined by the law enforcement agency, has information or evidence relevant to the investigation of a specified crime. All victims are witnesses.
- C. **SPECIFIED CRIME:** Any felony or misdemeanor offense.

VI. SUMMARY OF RIGHTS

- A. Employee's will make a conscious effort to uphold a victim's rights in all situations. In addition to Constitutional rights, victims have been granted the following rights by the State of Alabama to include:
1. Notification of all criminal proceedings and charges filed against the defendant, with the exception of initial appearance, and the right to be present at all proceedings;
 2. Necessary information regarding the appropriate agencies from which you may request information;
 3. An explanation of the pre-sentence report and the right to make a written or oral statement to the probation officer, and a right to review the pre-sentence report;
 4. Be notified of the time and place of any sentencing hearing and to make a written or oral statement, or present any information at a sentencing proceeding or any other proceeding as authorized by law;
 5. Information regarding the return of any property taken;
 6. Be provided the date of conviction, acquittal or dismissal of charges against the defendant and the sentence imposed;
 7. Refuse an interview or other communication with the defendant, his attorney or anyone acting on his behalf;
 8. The status and results of any post conviction appeal
 9. Be provided a waiting area separate from the defendant, his relatives and defense witnesses if available and practical;
 10. Submit a statement to be entered into the inmate's records that you are to be notified of release, on bond, from prison, escape, re-arrest or death of prisoner;
 11. Information regarding collection of restitution;
 12. Any release opinion by the Alabama Department of Mental Health;
 13. Be notified of any Pardon and Parole Board hearings and the right to be present and heard at such hearings.
- B. Within 72 hours after a victim files a crime report, the assisting local law enforcement officer shall, upon request, provide the victim with the following:
1. A list of local emergency and crisis services;
 2. The name and phone number of the officer and the agency handling their report;
 3. The name and phone number of the prosecuting attorney;

VICTIM/WITNESS COORDINATOR

4. The procedural steps in a criminal prosecution;
5. The availability of victim's compensation benefits;
6. A listing of your rights as a victim including a form to insure you are given your rights;
7. The existence and eligibility requirements of restitution and compensation;
8. A recommended procedure if you are subject to threats or intimidation as a victim.

VII. VICTIM/WITNESS COORDINATOR

- A. The Administrative Assistants assigned to the Criminal Investigations Division serve as victim/witness coordinators.
- B. A Victim/Witness coordinator will act as the department's liaison with the Lauderdale County District Attorney's Office, ECM, and all other agencies that may provide victim/witness assistance.
- C. At least once every three years, a Victim/Witness coordinator will coordinate a documented review of victim/witness needs and available services within the department's service area.
- D. A Victim/Witness Coordinator will be responsible for initiating approved changes in departmental procedures to correct deficiencies in service based on the results of the review.
- E. The Victim/Witness coordinator position will be the single point of contact whereby a victim/witness may receive information regarding assistance provided by the agency. In the event a victim/witness requires this information after hours, officers should refer victim/witnesses to the phone number for the police desk, who may make the necessary referrals.

VIII. GENERAL PROCEDURES

- A. All personnel will at all times treat victims and witnesses with fairness, compassion, and dignity. The rights of the victim will not be abridged in favor of the rights of the suspect. The department will maintain its commitment to the development, implementation, and continuation of appropriate victim/witness assistance programs and activities.
- B. When an officer makes contact with a victim/witness of any specified crime, the Officer will, upon request, provide the victim/witness the following information:
 1. Procedural steps in the criminal process;
 2. An Incident/Offense case number;
 3. Appropriate telephone numbers the victim/witness may call to report and/or receive additional information about the case; and

General Order 28.1

VICTIM/WITNESS COORDINATOR

4. Name and office number of the officer handling the report.
- C. Officers should also refer the victim/witness to appropriate community service organizations for counseling, medical, or advocacy needs.
- D. Officers should also inform victims/witnesses to contact police if he/she is threatened or otherwise intimidated by the suspect or the suspect's companions or family. When an Officer receives a report from a victim/witness of an act of retaliation or threat of retaliation, the Officer should complete and submit an Incident/Offense report, and offer other appropriate assistance.
- E. Investigators working felony cases should be mindful of the impact of crime on victims and should insure the victims are informed of their rights.
- F. In cases involving violent crime, the case investigator should involve a Crime Victim/Witness Coordinator to insure that all necessary services are being offered.
- G. All procedures listed herein are designed to insure the confidentiality of records and files of victims/witnesses and their roles in the case development, to the extent that is consistent with applicable laws.
- H. Officers, investigators, supervisors, and/or a Victim/Witness Coordinator should make a periodic effort to inform the public and media about available victim/witness assistance services.

IX. FOLLOW-UP INVESTIGATION PROCEDURES

- A. If the impact of a crime on a victim/witness has been unusually severe, the investigator should contact the victim periodically to insure the victim's needs are met.
- B. The investigator will explain to victim/witnesses the procedures involved in the prosecution of their cases and their role in those procedures.
- C. Whenever possible, victims should be scheduled for follow-up interviews, photo line-ups, and other appearances at a time and place convenient for the victim/witness. (If transportation is needed to these appearances, the case investigator will provide it, if feasible).
- D. If property of the victim/witness is taken as evidence, the case investigator will be responsible for releasing that property to the victim as soon as possible in accordance with departmental guidelines.
- E. In cases involving violent crime, the case investigator should involve a Crime Victim/Witness Coordinator to insure that all necessary services are being offered.

X. POST ARREST PROCEDURES

- A. In cases of violent crime, the case investigator will make a reasonable effort to notify the victim/witness as soon as possible when an arrest has been made in the case. The following information will be provided to the victim/witness:
1. The identity of an adult arrestee (Alabama State Code Title 12-15-101, as amended in 1990, makes disclosure of a juvenile's identity to the public without a court hearing a misdemeanor offense.);
 2. The charges placed against the arrestee;
 3. When the arrest was made; and
 4. The amount of bond.
- B. If the case investigator is aware of changes in the custody status of the arrestee (such as posting bond), the investigator should notify the victim/witness of those changes as soon as possible.