

<b>GREENVILLE POLICE DEPARTMENT POLICY AND PROCEDURES</b>		
<b>Chapter 55</b>	<b>Victim / Witness Assistance</b>	
<b>Date Initially Effective: 11/17/1994</b>	<b>By the Order Of:</b> <b>Mark Holtzman, Chief of Police</b>	
<b>Date Revised: 04/30/2020</b>	<b>Date Reissued: 09/08/2020</b>	<b>Page 1 of 7</b>

## **55.1 Administration**

### **55.1.1 SUMMARY OF VICTIM RIGHTS**

CALEA Standard: 55.1.1 (Victim/Witness Assistance)

The Greenville Police Department shall aid those persons victimized by crime and violence by working to ease their participation in the criminal justice system and by providing compassion, support, and fair treatment to them in their time of crisis. The Greenville Police Department is committed to making every reasonable effort possible to ensure that victims and other witnesses receive professional service consistent with their important investigative and prosecutory role.

Greenville Police Department personnel shall make a thorough effort to ensure that the rights of people victimized by crime and violence are upheld as provided by law. The Greenville Police Department supports, advocates, and advises victims of the following rights through the distribution of a VICTIM/WITNESS ASSISTANCE CARD:

- The right to immediate medical assistance and to protection from intimidation and harm
- The right to receive information about pending cases and about the criminal justice process, and to be provided due process in court proceedings
- The right to be informed
- The right to preservation of property and employment
- The right to restitution and indemnity
- The right to fair, compassionate, and dignified treatment
- The right to have a Victim Impact Statement prepared for consideration by the court

#### **Treatment Due Victims/Witnesses and Responsibilities of Law Enforcement**

Greenville Police Department personnel shall work to protect and defend the rights of victims whenever possible and will follow the guidelines of Article 45 of the Criminal Procedure Act under the General Statutes of North Carolina that provide for the fair treatment of victims and witnesses.

In accordance with N.C.G.S. 15A-824, 15A-825, 15A-830, and 15A-831, the Greenville Police Department shall fulfill statutory agency responsibilities relative to a victim to the extent reasonably possible and subject to available resources. This may include direct action by the Department or referral to the appropriate statutory authority. As soon as practicable, but within seventy-two (72) hours after identifying a victim covered by this statute, appropriate Department personnel shall make a reasonable effort to ensure compliance. Responsibilities of law enforcement personnel may include: the expeditious return of property that is no longer needed for evidentiary purposes, contact information for the District Attorney's office, referral to victim's compensation agencies, scheduled court dates, and any information regarding pre-trial release for the defendant.

As soon as practical, but within seventy-two (72) hours after the arrest of a person believed to have committed a crime covered by this statute, the arresting law enforcement agency shall:

- Inform the investigating law enforcement agency of the arrest,
- Notify the victim of the arrest, and
- Forward to the district attorney's office that will be responsible for prosecuting the case, the victim's name, address, date of birth, social security number, race, sex and telephone number, unless the victim refuses to disclose any or all of the information, in which case, the investigating law enforcement agency shall so inform the district attorney's office.

#### **Victim Advocacy and Witness Assistance Activities**

The Greenville Police Department is committed to the development, implementation, and continuation of victim and witness assistance programs and activities. Department personnel will support those endeavors and provide assistance and referrals when appropriate.

The Department's commitment and role in victim/witness activities is defined as follows:

- To facilitate victim/witness access to available advocate and community resources
- To provide current case information, make referrals, and provide other support to victims and witnesses

The Department is aware of and sensitive to the particular issues and special needs that affect the victims and families of crimes such as domestic violence, child abuse and child trauma, sexual assault, and abuse of the elderly. Because of the effect these types of crimes have on the delicate structure of the family unit and the community in general, the Greenville Police Department has established the Special Victims Unit (SVU). Within this unit, police officers/investigators serve in specialized assignments to more effectively assist with criminal issues relative to juvenile offenders, women and children, and victim advocacy and witness assistance in general.

#### **Child Trauma Response**

As part of the Special Victim's Unit, a Child Trauma Response Advocate will work with departmental personnel, in both the Investigative and Field Operations Bureaus to identify children who have been exposed to violence and trauma. The role of the Greenville Police Department once identification has been made is to:

- Provide immediate mental health crisis response, when needed, to families with children who have been exposed to violence or potentially traumatic events.
- Provide follow-up response for families whose needs are not deemed immediate.
- Deliver mental health education to parents of children who have been exposed to violence or trauma.
- Assess short-term and long-term needs of children who have been exposed to violence or trauma as well as familial needs as they relate to the health and safety of the affected child.
- Coordinate referrals to appropriate community resources.
- Follow up with families to provide information, encouragement, and referrals to community resources as the need may arise for a period of up to two years.
- Initiate community involvement with schools, organizations, and resources beneficial to children served by this program.

#### **Authority and Responsibility for Administering Victim Advocacy and Witness Assistance**

The SVU Sergeant has the authority and responsibility for administering and coordinating the role of the Greenville Police Department in formal victim advocacy and witness assistance programs. The role of victim advocacy and witness assistance within the organizational structure of the Department shall be an ongoing assignment within the SVU of the Criminal Investigations Bureau.

All Department personnel, however, are charged with the responsibility of providing victim advocacy and witness assistance and notifications whenever appropriate. In order to fulfill the Department's role in victim advocacy and witness assistance, all personnel should be aware of those services currently available from other community resources and of those services that the Department can provide, as well as the notifications required under North Carolina law.

All Department personnel have the authority and responsibility to refer victims and witnesses to available community resources. Community resource contact information is available through the database maintained in the Communications Center. Employees will be accountable for their assistance to victims and witnesses of crime.

### **U-Visa Assistance**

The U-Visa is an immigration benefit that may assist victims of certain crimes who are currently or likely to assist law enforcement personnel in the investigation or prosecution of a crime. U-Visa applications are accepted by the Greenville Police Department for a victim of criminal activity (or their immediate family member) occurring within the jurisdiction of the agency. Applications may be submitted by the victim or qualifying family member, their legal guardian or attorney.

The applications will be processed as follows:

1. Applications will be processed in the order in which they were received, unless there is a valid reason for expediting the application.
2. Cases must comply with U-Visa requirements as specified by the U.S. Citizenship and Immigration Services.
3. Applications must be submitted within five (5) years from the date of most offenses.
4. There is no time requirement for application when the qualifying offense is one of the following:
  - a. Homicide
  - b. Assault with a deadly weapon (intent to kill or serious injury)
  - c. Sexual Assault
  - d. Domestic Violence

Applications will be reviewed and processed as time allows by the Chief's designee. Upon review, Chief's designee will make a recommendation to the Chief of Police to either certify or not certify the request. Completed applications will be returned to the applicant or their attorney via mail.

### **55.1.2 ANALYSIS OF NEEDS**

CALEA Standards: 55.1.2 (Review Need/Services), 11.4.1 (Administrative Reporting Program)

The Special Victims Unit (SVU) will complete an analysis of victim advocacy and witness needs and available services at least every two years. The review is designed to identify appropriate victim/witness services that the agency can provide without duplicating services offered elsewhere in the community, whether by another government agency or by a private-sector organization. The results of the analysis will be maintained by the SVU and will be available to all Department personnel. The analysis shall include at a minimum:

- The extent and major types of victimization
- An inventory of information and service needs of victims/witnesses in general (including homicide or suicide survivors) and special victims, such as those victimized by domestic violence, abuse and neglect (especially children and the elderly), sexual crimes, and drunk drivers
- Victim assistance and related community services available within the service area
- Identification of all unfulfilled needs and the selection of those that are appropriate for the Department to meet

Additionally, the departmental Child Trauma Response Victim Advocate will be responsible for maintaining thorough records of all children to which services were offered and the resulting services provided, if applicable. Follow-up progress and documentation should be maintained for a minimum of two years. Records may include additional input from school resource officers and the county school system regarding school performance.

**55.1.3 DEPARTMENTAL RESPONSE TO VICTIM/WITNESS NEEDS**

CALEA Standard: 55.1.1 (Victim/Witness Assistance)

**Routine Response**

To provide for and govern the implementation and delivery of victim advocacy and witness assistance services by Department personnel:

- The Special Victims Unit (SVU) Sergeant shall review daily incident reports and determine which cases are appropriate for victim/witness follow-up and shall refer cases to Victim Advocate personnel as needed.
- The SVU Sergeant or designee should be notified of referrals to any other Pitt County assistance program made by police officers.
- Referrals to other victim advocacy and witness assistance organizations may be made by employees in accordance with all other sections of this directive.

**Child Trauma Response****Emergency Response**

- a. The on-scene officer will notify the supervisor who will contact communications.
- b. Communications personnel will contact the on-call Child Trauma Response Victim's Advocate.
- c. The Advocate should call and assess the need for immediate response to the scene. An officer or supervisor should communicate with the advocate to relay critical information needed.
- d. If a response is warranted, arrangements are made for the advocate to meet an officer and coordinate response to the scene.
- e. The initial officer is responsible for documenting any contact and/or response by the advocate.

**Non-Emergency Response**

- a. If children are present and the services of the advocate are not warranted the initial officer should document the information accordingly.
- b. The Special Victim's Unit Supervisor and/or Child Trauma Advocate(s) will review cases, prioritize, and assign appropriate cases to the Child Trauma Response Advocate.
- c. For referrals requiring a face-to-face follow up, the advocate will make a determination if the assistance of a sworn officer is necessary.

**Telephone Consultation**

A Child Trauma Response Victim's Advocate is available 24/7 for crisis consultation. Officers who identify a child that has been exposed to violence or trauma that may potentially need immediate mental health resources, but are unsure if the advocate should be paged, may contact the on-call advocate for clarity on the level of emergency.

**Reporting**

To ensure the confidentiality of records and files of victims/witnesses and their role in case development to the extent consistent with applicable law:

- No employee of the Greenville Police Department will release information concerning victims and/or witnesses to any person except as provided for by state law and by Chapter 54 of the Greenville Police Department Policy and Procedures Manual.
- Under the direction of the Logistics Division Commander and/or the Community Services Supervisor, personnel in the Records Section may provide a copy of the front page of the incident report containing non-confidential information about an incident or victim to the public as requested. The release of the information shall be pursuant to North Carolina General Statute 132-1.4. However, if in the opinion of the Chief of Police, appropriate bureau commander, unit supervisor, or investigating officer, the release of any information relative to a particular investigation jeopardizes the ongoing investigation or the emotional and/or physical well being of a victim or witness, such information may be withheld.

**Media**

To govern efforts to periodically inform the media and the public about the Department's victim advocacy and witness assistance efforts and about other victim/witness services available in the local area, the Special Victims Unit Sergeant is responsible for ensuring the following victim/witness information is available and provided through Department operations:

- A summary of victim's rights according to N.C.G.S. 15A-824, and 15A-825
- A summary of available victim advocacy and witness assistance services

**Inter-agency cooperation**

To govern the relationship between the Department and victim/witness efforts of other agencies and organizations:

- The SVU Sergeant or designee will serve as the Department liaison with local and regional agencies and organizations that provide victim advocacy and witness assistance services.
- The SVU Sergeant or designee shall determine the appropriateness of referrals and referral agencies based on accurate and up-to-date information obtained through this relationship.
- The SVU Sergeant or designee shall provide an open channel of communications with other agencies and organizations to best benefit the victim advocacy and witness assistance efforts.

**55.1.4 TRAINING**

It shall be the responsibility of the Field Training Officers (FTO) to ensure newly sworn police officers, under their supervision, receive training on victim/witness rights and needs, and on the levels of service available from the Greenville Police Department and from other organizations. Additionally, periodic training shall be provided to all sworn employees regarding victim/witness rights and needs by the Victim Witness Advocate.

**55.2 Operations****55.2.1 LEVELS OF SERVICE AVAILABLE FROM THE DEPARTMENT**

CALEA Standard: 55.2.1 (Initial Assistance)

The Greenville Police Department recognizes the periodic need for victim advocacy and witness assistance information between victimization and the preliminary investigation. Greenville Police Department Communications Center personnel shall be responsible for providing a single point of contact to persons requesting victim/witness assistance when a police officer has not yet arrived or when a police officer cannot immediately contact the caller or otherwise provide assistance. Such situations may occur when an investigator or patrol officer cannot be immediately assigned to a case, thereby creating a delay between victimization and initial contact with the victim/witness. All Department personnel shall be familiar with, and able to provide, at least the following levels of assistance twenty-four (24) hours daily to persons requesting assistance:

- Information regarding victim advocacy and witness assistance supplied directly by the Greenville Police Department
- Referral information regarding services offered in the Greenville Police Department's jurisdiction by other organizations for victims in need of medical attention, counseling, and emergency financial assistance

**55.2.2 ASSISTANCE, THREATS**

CALEA Standard: 55.2.2 (Assistance, Threats)

The Greenville Police Department will provide appropriate assistance to persons who have been threatened or who express specific, credible reasons for fearing intimidation or further victimization. Assistance shall be

provided through the Special Victims Unit Victim Advocate with the assistance of other Pitt County referral agencies as needed. Options available include:

- Shelter protection under certain criteria
- Automatic lethality screen with the possibility of immediate referral
- Assistance during first appearance hearings to ensure appropriate information is relayed to Court officials

### **55.2.3 ASSISTANCE/PRELIMINARY INVESTIGATION**

CALEA Standard: 55.2.3 (Assistance/Preliminary Investigation)

When appropriate, police officers conducting preliminary investigations shall provide, at a minimum, information to victims and/or witnesses concerning the availability of assistance through the Greenville Police Department, as well as through other local agencies. The information may be provided by way of a VICTIM/WITNESS ASSISTANCE CARD that can be retained by the victim or witness. The information provided shall include:

- Information about services applicable to the situation such as counseling, medical attention, victim compensation programs, emergency financial assistance, victim advocacy
- Information about appropriate action to take if a suspect or suspect's companions or family threatens or otherwise intimidates the victim or witness
- Information concerning the case number (when available) and subsequent steps in the investigative process
- Telephone number(s) that the victim or witness may call to report additional information about the case or to receive additional information about the status of the case

### **55.2.4 ASSISTANCE, FOLLOW-UP INVESTIGATION**

CALEA Standard: 55.2.4 (Assistance, Follow-up Investigation)

The SVU Sergeant shall review daily incident reports and shall provide the following levels of victim/witness assistance as appropriate to the incident:

- Determine which cases are appropriate for victim/witness follow-up and assign cases to Victim Advocate personnel as needed
- If the impact of the crime is unusually severe and has triggered above average need for victim/witness assistance, the investigator/advocate shall re-contact the victim within a reasonable period of time to determine if the victim's needs are being met.
- Without endangering the successful prosecution of the case, explain the court procedures and the role of the victim in its prosecution.
- If feasible, schedule lineups, interviews, and other required appearances at the convenience of the victim/witness. In special, unusually severe cases, provide transportation if available.
- If feasible, facilitate the prompt return of property belonging to the victim/witness taken as evidence (except contraband, disputed property, and weapons used in the course of a crime) where such return is permitted by law and the rules of evidence.
- When feasible, provide other appropriate assistance and/or refer the case to other organizations providing that victim/witness service is not available in the Greenville Police Department.

### **55.2.5 ASSISTANCE, SUSPECT ARREST**

CALEA Standard: 55.2.5 (Assistance, Suspect Arrest)

When an arrest is made in any case considered to be a major crime, the investigating police officer and/or a victim advocate shall contact the victim/witness whenever possible and inform them that an arrest has been made in the case and should advise the victim/witness as to the custody status of the suspect and the prospects for pre-trial release.

When feasible, police officers making arrests in other kinds of cases and/or a victim advocate should make a reasonable effort to contact the victim/witness and inform them that an arrest has been made in the case and should advise the victim/witness as to the custody status of the suspect and the prospects for pre-trial release.

### **55.2.6 NOTIFICATIONS TO NEXT OF KIN**

CALEA Standard: 55.2.6 (Next-of-Kin Notification), 81.2.10 (Emergency Messages)

The Greenville Police Department shall undertake the responsibility of notification of next-of-kin when such a need exists. When requested by other law enforcement agencies, the Greenville Police Department shall provide assistance to that agency and shall provide notification to the next-of-kin residing in this jurisdiction.

When notifications must be made to the immediate family of deceased, seriously injured, or seriously ill persons, the police officer responsible for the notification should be mindful of the impact of such notification and make every effort to see that the person to be notified has the company of a relative, clergy or close friend.

Within the jurisdictional boundaries of the Greenville Police Department:

- Notification will be made in person by a supervisor of the Greenville Police Department whenever possible or designee; otherwise, the investigating police officer shall notify the next-of-kin.
- Notification will be made to either an adult family member or a close adult friend of the family.
- Special Victims Unit personnel are available to assist with notifications of next of kin if such assistance is deemed necessary by the investigating officer or supervisor in charge of an incident.

When notifications of next-of-kin must be made outside the jurisdictional boundaries of the Greenville Police Department:

- The agency having jurisdiction shall be requested to make the notification. If that agency cannot or is reluctant to make the notification, the on-duty Watch Commander shall be advised and the on-duty Watch Commander shall make contact with the Deputy Chief. The Deputy Chief shall contact the Chief of Police for a decision on how the notification will be made.
- Documentation shall be included with any report to indicate the agency notified, the date and time of the request, and the party contacted to make the notification.