



# COLUMBIA POLICE DEPARTMENT

*"Policing Excellence through Community Partnerships"*

<b>Directive Type:</b> General Order	<b>Effective Date:</b> 09-10-2016	<b>General Order Number:</b> 05.13
<b>Subject:</b> <i>Victim Assistance Program</i>		
<b>Amends/Supersedes:</b> Section 05, Chapter 13, <i>Victim Assistance Program 2008</i>	<b>Chief of Police:</b> <i>W.A. Hall</i>	
<b>Distribution:</b> All Personnel	<b>Review Date:</b> July 1	<b># of Pages:</b>

## 1.0 DIRECTIVE

The Columbia Police Department is committed to the spirit of Article I, Section 24 of the South Carolina Constitution, which holds:

**To preserve and protect victims' rights to justice and due process regardless of race, sex, age, religion, or economic status, victims of crime have the right to:**

- be treated with fairness, respect, and dignity, and to be free from intimidation, harassment, or abuse, throughout the criminal and juvenile justice process, and informed of the victim's constitutional rights, provided by statute;
- be reasonably informed when the accused or convicted person is arrested, released from custody, or has escaped;
- be informed of and present at any criminal proceedings which are dispositive of the charges where the defendant has the right to be present;
- be reasonably informed of and be allowed to submit either a written or oral statement at all hearings affecting bond or bail;
- be heard at any proceeding involving a post-arrest release decision, a plea, or sentencing;
- be reasonably protected from the accused or persons acting on his behalf throughout the criminal justice process;
- confer with the prosecution, after the crime against the victim has been charged, before the trial or before any disposition and informed of the disposition;
- have reasonable access after the conclusion of the criminal investigation to all documents relating to the crime against the victim before trial;
- receive prompt and full restitution from the person or persons convicted of the criminal conduct that caused the victim's loss or injury, including both adult and juvenile offenders;
- be informed of any proceeding when any post-conviction action is being considered, and be present at any post-conviction hearing involving a post-conviction release decision;
- a reasonable disposition and prompt and final conclusion of the case.

## **2.0 ADMINISTRATION**

The Department shall maintain a Victim Services Program to insure the implementation and delivery of services by departmental personnel. The Victim Assistance Program will be under the direct supervision of the commander of the Criminal Investigations Division. The Program will be conducted by a Victim Assistance Advocate and will be the sole job task of that position.

## **3.0 INTERAGENCY AND PUBLIC INTERACTIONS**

The Department's Victim Services Program will maintain membership in the South Carolina Victim Assistance Network and other victim related organizations in order to maintain a current listing of victim/witness and related services available state wide as well as national programs and trends. The Victim Assistance Advocate will be available for speaking engagements as requested by Community Organizations, provide news media with information regarding the availability and scope of Victim Services Program provided by the Department upon request, and make victim rights literature available to the public.

## **4.0 ANALYSIS**

An analysis will be conducted every three (3) years using input from the Crime Analysis Unit concerning the extent or types of victimization and total number of crimes. The Victim Services Unit will compile this information with its own analysis to determine the needs, both filled and unfulfilled, and availability of services within the Department's jurisdictional boundaries, as needed.

## **5.0 PERSONNEL ORIENTATION AND UPDATES**

The office of the Victim Assistance Advocate will update all employees of any changes or modifications to the Victim Services Program as needed.

## **6.0 VICTIM/WITNESS INTIMIDATION**

The Department will provide assistance to victims/witnesses, who in the judgment of the Victim Assistance Advocate, express specific and credible reasons for fearing intimidation or further victimization. Assistance can include but will not be limited to: location of available funds for assistance to provide emergency temporary housing or emergency repairs to secure residences, zone watches, transportation to Community Service Organizations (i.e. Sistercare), judicial intervention, and expedited warrant service.

## **7.0 SERVICES PROVIDED DURING PRELIMINARY INVESTIGATION**

Prior to their departure from the incident location, the Officer assigned to the preliminary investigation must:

- Inform the victim/witness of the case number that has been assigned to their incident.
- Provide a telephone number they may call to report additional information or to inquire about the status of the investigation.
- Inform the victim/witness of the subsequent steps in the processing of their case.
- Advise steps to be taken if the suspect or the suspect's companions or family threatens or otherwise intimidates them.
- Provide information concerning victim/witness rights and responsibilities under the SC Constitution.
- Advise the victim/witness of applicable services available through victim advocacy.

This can be accomplished by giving the victim/witness a copy of the "Crime Victims/Witness Services" form. All additional victim/witnesses must receive a copy of the "Victim/Witness Services" form.

## **8.0 RESPONSIBILITIES DURING FOLLOW-UP INVESTIGATION**

### **8.1 Victim Assistance Advocate Responsibilities**

The Victim Assistance Advocate will make contact with victims/witnesses who are referred to the unit by any agency, Officers or Investigators of this Department or community service organizations. In addition, the Victim Assistance Advocate will contact victims/witnesses involved in part one (1) crimes, Criminal Domestic Violence and assaults, which, in the advocates opinion, qualify for assistance. The Victim Assistance Advocate will explain the procedures and processes involved in the prosecution of their case and will assist in the prompt return of property taken as evidence when feasible and as allowed by law.

As needed, the Victim Assistance Advocate will periodically re-contact crime victims/witnesses who suffered an unusually sever impact or has an above average need for assistance to determine if their needs are being met. All files concerning a victim/witness will be considered confidential and will be maintained in a secure location.

## 8.2 Officer/Investigator Responsibilities

The Officer/Investigator assigned to the case for follow up will be responsible for contacting the Victim Assistance Advocate (if available and applicable), scheduling line-ups, interviews, and other required appearances at the convenience of the victim/witness. The Officer/Investigator will also assist in the prompt return of property taken as evidence when feasible and as allowed by law.

## 8.3 Responsibilities of Victims and Prosecution Witnesses

- Keep the Police Department apprised of their legal name, address, phone number and any changes to this information.
- Provide details of financial impact, in order to receive restitution.
- Notify appropriate authority of desire to be present for various court hearings.
- Notify appropriate authority of desire to make oral statements.

## 9.0 VICTIM NOTIFICATION

Upon arrest of an offender the Department has the following STATE MANDATED duties (S. C. Code §16-3-1525) to the victims:

- Make a reasonable attempt to notify the victim(s) of the arrest or detention
- Make a reasonable attempt to notify victim(s) in advance of bond setting or pretrial release proceedings
- Provide victim(s) information to appropriate allied agencies
- Provide any measures necessary to protect the victims and witnesses, including transportation to and from court and physical protection in the courthouse.

**All attempts and results of notification will be indicated on the incident report.**

Officers will enter all victim names, addresses and telephone numbers on the remarks section of the booking report. The booking report will be given to and signed by the R.C.D.C. Booking officer.

## 10.0 SERVICES PROVIDED FOR DEPARTMENTAL EMPLOYEES

Upon any accident or act resulting in a line-of-duty death or serious injury to an employee, the employee's supervisor shall notify the Victim Assistance Advocate of the situation or forward a report to the Advocate's office so the Victim Assistance Advocate can make a determination of what services can be offered to the employee and their families. (Serious injury defined: Any injury that may result in death or disability.)

The Victim Assistance Services Unit will provide services to all employees and their families following line-of-duty deaths or serious injuries equivalent to those preformed for the public to include but not limited to: Assessment of the situation to determine eligibility for financial and other assistance, judicial review of criminal cases, emotional support, counseling referrals, assisting at the hospital, helping with legal and benefits matters, and maintaining contact with family to keep informed of their needs.