

Directive	Victim/ Witness Assistance	600-10	1 of 9
Effective Date	January 1, 2010		



Wilkesboro Police Department

Electronic Written Directives Document

I. PURPOSE

To ensure that victims and witnesses receive professional handling consistent with their important investigative and prosecutorial role.

II. POLICY

The Wilkesboro Police Department will provide assistance and appropriate support to victims and witnesses. Victims and Witnesses will be treated with compassion, respect, and dignity and will be informed of appropriate support agencies and resources that are available.

III. SCOPE

A. The North Carolina Crime Victim's Right Act is applicable to the specific felonies and serious misdemeanors set forth in the act and shall apply to this directive. These include the following felonies:

1. Murder and manslaughter
2. Rape and Sexual Offenses
3. Felonious Assault
4. Kidnapping
5. Burglary
6. Arson
7. Robbery
8. Certain Drug Violations
9. Embezzlement over \$100000.00
10. Felony Death by Vehicle
11. Child Abuse

Directive	Victim/ Witness Assistance	600-10	2 of 9
Effective Date	January 1, 2010		

12. Domestic Abuse of Disabled or Elder Adults

13. Felony stalking

B. The Act also includes misdemeanor offenses related to domestic violence, assaults, domestic criminal trespass, first offense of stalking when the parties involved are deemed to have "a personal relationship" as defined by NC General Statute 50B-1(b) and include:

1. Current or former spouses;
2. Individuals of the opposite sex who live or have lived together;
3. A parent and child;
4. A person acting in loco parentis to a minor child and the minor child;
5. A grandparent and grandchild; (In cases involving children, at the time of the incident, if committed by the child, the child has to be at least 16 years of age for the Act to apply)
6. Individuals who have a child in common;
7. Individual who are current or former household members
8. Persons of the opposite sex who are or have been in a dating relationship.

C. For a comprehensive list of the offenses in the Act by Class of Offense, Description and General Statute see Crime Victim's Right Act, General Statutes.

D. Officers are authorized to offer and provide assistance in other incidents not listed within this directive or state law where the victim, witness, or survivor is traumatized and in need of services.

IV. VICTIM/ WITNESS RIGHTS

A. To the extent reasonably possible and subject to available resources, the employee of law enforcement agencies, the prosecutorial system, the judicial system, and the correctional system should make a reasonable effort to assure that each victim and witness within their jurisdiction:

Directive	Victim/ Witness Assistance	600-10	3 of 9
Effective Date	January 1, 2010		

1. Is provided information regarding immediate medical assistance and is not detained for an unreasonable length of time before having that assistance administered;
2. Is provided with information regarding victim/witness intimidation and is given protection from such;
3. Has stolen or other personal property returned as soon as possible when it is no longer needed as evidence.
4. 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;
5. Is provided whenever possible, a secure waiting area during criminal proceedings that does not place the victim/witness in close proximity to defendants and families and friends of the defendant;
6. Procedures for receiving victim's compensation;
7. 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 informed;
8. Is notified, whenever possible, that a court proceeding to which he/she has been subpoenaed will not occur as scheduled;
9. Has a victim impact statement prepared for consideration by the court;
10. Is informed that civil remedies may be available and that statutes of limitation apply in civil cases;
11. 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;
12. Is notified if the offender escapes or is released if the crime is a Class G or more serious felony, and
13. Has family members of a homicide victim offered all the guarantees in this section, except those listed in number 1 of this section.

Directive	Victim/ Witness Assistance	600-10	4 of 9
Effective Date	January 1, 2010		

V. PROCEDURES

- A. The Wilkesboro Police Department's victim and witness assistance program will be the responsibility of all members of the department. The Lieutenant Commander of the Criminal Investigations Section will coordinate the effort.
- B. The officer receiving a report from a victim covered by the Crime Victim's Right Act shall as soon as possible, but within 72 hours of identifying the victim will provide the victim with the following information:
 - 1. The availability of medical and counseling services, if needed
 - 2. The availability of crime victims' compensation and the telephone number of the agency responsible for dispensing funds
 - 3. The address and telephone number of the District Attorney's office responsible for prosecuting the case
 - 4. The name and telephone number of an investigating officer whom the victim may contact if the victim has not been notified of an arrest in the case within six months after the crime was reported to the Department
 - 5. Information about the accused's opportunity for pretrial release
 - 6. The name and phone number of a Department employee whom the victim may contact to find out if the accused has been released from custody. In addition to providing a department contact, the victim/witness will be provided information on the North Carolina Statewide Automated Victim Assistance & Notification
- C. Upon receiving this information, the victim will indicate on a form provided by the Department whether the victim wishes to receive further notices from the Department. If the victim elects to receive further notices, the victim will be responsible for notifying the Department of any changes in the victim's name, address, and telephone number.
- D. The Wilkesboro Police Department office is not staffed at all times but the dispatch center for the department, which is the Wilkes County Communications Center, is staffed twenty-four (24) hours a day, seven days a week, and is the single Public Safety Answering point for all citizens, including victims and witnesses, in need of services after victimization and prior to the time of preliminary investigation. The Communications Center can be reached toll-free by dialing 911.

Directive	Victim/ Witness Assistance	600-10	5 of 9
Effective Date	January 1, 2010		

E. Wilkes County Emergency Communications Center personnel are likely to receive calls from victim/witnesses who request information or services. The Wilkes County Emergency Communications Center has established procedures, which include:

1. Judging characteristics of the call to determine whether an emergency or non-emergency response is required, and
2. Informing victims/witnesses of the services available to them in the Wilkesboro Police Department jurisdiction, either through government or non-government agencies, such as, Rape Crises, or the Shelter for battered women.

VI. Confidentiality

- A. Confidentiality of victims/ witnesses and their role in the case will be maintained by the Wilkesboro Police Department to the extent allowed by law. Only information pertaining to a victim or witness that is public record shall be released.
- B. The Department will maintain liaison with other criminal justice agencies, governmental and non-governmental agencies, and organizations concerned with victim/witness needs and rights. The relationships with agencies providing victims/witness services will ensure that the referrals to outside sources are based on current and accurate information of the services provided and allow for input by others to improve services to victims/witnesses.

VII. Public Awareness

- A. All members of the Department 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 personal contact, community meetings, and the Media. In addition, the Department will work to provide brochures and related materials pertaining to victim/witness assistance produced by such agencies as:
 1. NC Crime Prevention Division, Department of Crime Control and Public Safety;
 2. State of North Carolina, Office of the Governor;
 3. NC Department of Human Resources;

Directive	Victim/ Witness Assistance	600-10	6 of 9
Effective Date	January 1, 2010		

4. United States Department of Justice, and
5. NC Victim Assistance Network.

C. These brochures will address such areas as:

1. General information for victims and witnesses of crime;
2. Child abuse;
3. Rape crisis;
4. Family violence, and
5. Sexual assault.

VIII. After Arrest

- A. As soon as possible, but within 72 hours after the arrest of a person believed to have committed a crime covered by this Directive, the Department will notify the victim of the arrest.
- B. As soon as possible, but within 72 hours after receiving notification that the accused has been arrested, the Department will forward to the appropriate District Attorney's office the victim's name, address, date of birth, Social Security number, race, sex, and telephone number. If the victim refuses to disclose any or all of this information, the Department will so inform the District Attorney's office.

IX. Victim/Witness Protection

- A. Victims and witnesses will be directed to dial 911 if they feel that they are in immediate danger from a suspect or the suspect's family or associates, and an officer will render assistance. The victim or witness will be instructed to contact the assigned officer or investigator, or contact the District Attorney's Office if they feel they are being harassed.
- 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 insuring protective custody through the District Attorney's Office to words of encouragement to re-arrest of the offender if criminal violations have occurred.
- C. It is illegal to threaten injury or destruction of another's property or threaten,

Directive	Victim/ Witness Assistance	600-10	7 of 9
Effective Date	January 1, 2010		

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.
- X. Assistance during Investigation
- A. The officer taking the initial report of a crime covered by this directive shall provide to the victim/witness a Victim Assistance Form, which shall contain the following information about services that are available:
1. The availability of medical services, if needed;
 2. Contact information for counseling and/or victim advocacy;
 3. The availability of crime victims' compensation funds under North Carolina General Statute 15B along with the address and telephone number of the agency responsible for dispensing the funds.
 4. The address and telephone number of the District Attorney's office that will be responsible for prosecuting the case.
 5. The name and telephone number of a department employee whom the victim may contact for information about the case. The form shall contain the phone number of the police department and the reporting officer shall provide his/her name to the victim/witness. If the case is assigned to another officer or investigator, the officer assigned shall notify the victim/witness of the assignment, providing the investigator's name and department telephone number.
 6. Victims and witnesses should be directed to dial 911 if they feel they are being threatened or intimidated by a suspect or the suspect's associates, and an officer will render assistance.
 7. The responding officer will inform the victim that a case number will be assigned to their cases and that number can be obtained by contacting the Records Section of the police department.

Directive	Victim/ Witness Assistance	600-10	8 of 9
Effective Date	January 1, 2010		

8. The responding officer will provide the victim/witness with the number of the Police Department. The officer will request that the victim/witness call the department to report additional information about the case and to receive information on the status of the case.
- B. The Investigator conducting the follow-up investigation shall re-contact the victim/witness within ten (10) 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 should be to determine whether the needs of the victim/witness are being met.
 - C. The investigator 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.
 - D. Whenever possible, the investigator 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.
 - E. A secure waiting area will be provided for the victim and other witnesses during arrest, pre-arrest, and post-arrest procedures, to insure that they do not come into close proximity to suspects or associates unless necessary for the investigation.
 - F. The investigator 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.
 - G. The investigator shall honor a victim/witness's request for the presence of a victim advocate during line-ups or similar proceedings, and assist the victim/witness in locating one.
 - H. The victim/witness will be notified when an arrest is known to been made involving a crime covered in this directive. The investigator will provide the charges and arrestee's custody status, when known. The investigator will also provide the victim/witness with information about North Carolina Statewide Automated Victim Assistance & Notification (SAVAN) and explain to the victim/witness that they may register with SAVAN to be notified when the

Directive	Victim/ Witness Assistance	600-10	9 of 9
Effective Date	January 1, 2010		

offender is released from custody or to check on the continued status of incarceration of the person arrested.

XI. Notifications

Notification of the Next of Kin will be conducted in accordance with departmental policy, Notifications, Next of Kin and with the use of a Chaplain if deemed necessary by the Chief of Police or his designee.

XII. Training

Training will be provided for sworn personnel to inform them of victim/witness rights and assistance programs available. The initial training provided is conducted during Basic Law Enforcement Training. A newly hired will receive training on Wilkesboro Police Department procedures during the employee's training period. Subsequent refresher training will be conducted periodically at which time each employee will receive a copy of North Carolina General Statute 15A-825 "Rights of Victims/Witnesses".

XIII. REFERENCES

N.C.G.S. 50B
N.C.G.S. 15A-825
CALEA 55.1.1, 55.1.3, 55.2.1, 55.2.2, 55.2.3, 55.2.4, 55.2.5 and 55.2.6