



Approved:
Chief Marcia Harnden

Subject:

536. Victim and Witness Assistance

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Page:
1

536.1: PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

536.2: POLICY

It is the policy of the Albany Police Department to provide guidance and assistance to the victims and witnesses of crime. The employees of the Albany Police Department will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

536.3: CRIME VICTIM LIAISON

The Detective Sergeant serves as the Department crime victim liaison. The crime victim liaison is separate from the victim assistance specialist ([Victim Services Program: Policy 0537](#)). The crime victim liaison shall be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses and is responsible for maintaining a working relationship with victim advocacy services at the District Attorney's Office.

536.3.1: CRIME VICTIM LIAISON DUTIES

The crime victim liaison coordinates with the assigned investigator of the case and/or property and evidence to carry out their duties. The crime victim liaison is specifically tasked with the following:

- a. Sexual assault investigations ([2016 Oregon Laws, c.89, § 4](#)):
 - 1) Receiving and responding to all inquiries concerning sexual assault kits.
 - 2) Provide any information the victim requests concerning sexual assault kits in a manner of communication designated by the victim, as soon as possible and within 30 days of the inquiry unless doing so would interfere with the investigation. This information includes the location,

testing date and testing results of a kit, whether a DNA sample was obtained from the kit, whether or not there are matches to DNA profiles in state or federal databases and the estimated destruction date for the kit.

- 3) Acting as liaison with the Oregon State Police (OSP) regarding submitted kits.
- 4) Allowing a sexual assault victim to provide written authorization for a designee to access information on the victim's behalf.
- 5) Upon request of the victim, an untested non-anonymous kit may be reclassified as an anonymous kit or an untested anonymous kit be reclassified as a non-anonymous kit.

b. Notifying OSP if a sexual assault kit is reclassified.

536.4: CRIME VICTIMS

- a. Officers should provide all victims access to the applicable victim information via handout or business card.
- b. Officers should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Officers should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct them to the proper written department material or available victim resources.

536.4.1: VICTIM PERSONAL REPRESENTATIVE

Victims of a person crime, as defined in [ORS 147.425](#), have the right to select a person, 18 years of age or older, to be the victim's personal representative to accompany the victim during phases of an investigation, including medical examinations. The personal representative may only be excluded if there is a belief that the representative would compromise the process (ORS 147.425).

536.5: VICTIM INFORMATION

The crime victim liaison shall ensure that victim information handouts are available and current. These should include, as appropriate:

- a. Shelters and other community resources for victims including domestic violence and sexual assault victims.
- b. Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage, and preservation in sexual assault cases ([42 USC § 3796gg-4](#); [42 USC § 10603f](#)).
- c. An advisement that a person who was arrested may be released prior to adjudication and that the victim should not rely upon an arrest as a guarantee of safety.

- d. An advisement to notify police if the suspect or suspect's companions or family threatens or otherwise intimidates the victim.
- e. A clear explanation of relevant court orders and how they can be obtained.
- f. Information regarding available compensation for qualifying victims of crime.
- g. VISOR information (Victim Information System in Oregon), including the telephone number and whether this free service is available to allow victims to check on a person's custody status and to register for automatic notification when a person is released from jail.
- h. Notice regarding Victim Rights for Oregon Immigrants [U-Visa](#) and [T-Visa](#) application processes.
- i. Resources available for victims of identity theft.
- j. A place for the officer's name, badge number, and any applicable case or incident number.
- k. A statement of legal rights and remedies available to victims of abuse, as required by [ORS 133.055](#).
- l. Information about the [Address Confidentiality Program](#). This program is from the Oregon Department of Justice, Crime Victims' Services Division for victims of domestic violence, sexual offenses, stalking or human trafficking ([ORS 192.826](#)).
- m. Oregon Crime Victim Bill of Rights ([ORS 147.417](#)).
- n. Information for victims of sexual assault that includes, but is not limited to (2016 Oregon Laws, c.89, § 4).
 - 1) Contact information for the crime victim liaison for victims of sexual assault.
 - 2) Notice that victims may request and receive information concerning sexual assault kits if providing the information would not interfere with the investigation.

536.6: WITNESSES

- a. Officers should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation.
- b. Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

536.7: FOLLOW-UP INVESTIGATION

Members assigned to investigating crimes should provide assistance to victims and witnesses during follow-up investigations, to include:

- a. Re-contacting the victim/witness within a reasonable period of time to determine whether further assistance is required if, in the investigator's opinion, the impact of a crime on a victim/witness has been unusually severe and has triggered above-average need for assistance;
- b. Explaining to victims/witnesses the procedures involved in prosecution of their cases and their role in those procedures, if not an endangerment to the successful prosecution of the case;
- c. Scheduling line-ups, interviews, and other required appearances at the convenience of the victim/witness, and providing transportation if necessary;
- d. Promptly returning any victim/witness property taken as evidence where permitted by law and/or rules of evidence;
- e. Making appropriate referrals to victim advocacy services through the District Attorney;
- f. Ensuring copies of incident and supplemental reports, and updated contact information are forwarded to the District Attorney's office, if appropriate.
- g. Coordinating with advocacy services at the District Attorney's office to provide additional assistance to victims/witnesses who report being threatened or who, in the investigator's judgment, express specific, credible reasons for fearing intimidation or further victimization.

536.8: SAFE LEAVE VERIFICATION

- a. Paid Leave Oregon offers Safe Leave to eligible employees who work in Oregon. Safe Leave requires claimants to complete a [Safe Leave Verification Form](#).
- b. Positions authorized to complete a Safe Leave Verification Form at the request of claimant include: sworn officers, the mental health intervention specialist, and the victim assistance specialist.
- c. Authorized personnel may be presented with the Safe Leave Verification Form by a claimant. The authorized personnel should verify whether the related situation is listed as a qualifying life event on the Safe Leave Verification Form. The person is covered under safe leave if any of the following examples apply to the life event:
 - 1) They or their child need legal assistance or help from the police to protect themselves or their child's health and safety. This includes preparing for and participating in court hearings that are related to sexual assault, domestic violence, harassment, or stalking.
 - 2) They or their child needs medical treatment or to recover from injuries that were caused by sexual assault, domestic violence, harassment, or stalking.
 - 3) They or their child are getting counseling from a mental health professional because of an experience with sexual assault, domestic violence, harassment, or stalking.
 - 4) They need to move or make their current home secure to protect themselves or their child's health and safety.

- 5) If the safe leave involves their child, the child must be under the age of 18 to be covered under safe leave. If they are older than 18, they need to be a dependent adult with a physical or mental disability that limits their ability to live independently.
- d. Authorized personnel presented with a Safe Leave Verification Form shall only verify events where the claimant has filed or is filing a police report with the Albany Police Department. Claimants with reports outside of Albany Police jurisdiction should be directed to the original jurisdiction where the claimants report was filed.