




Clayton County Police Department PROCEDURES

Subject VICTIM/WITNESS ASSISTANCE		Procedure # D35	
Authorizing Signature 	Effective 06-15-2022	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Rescinds	Total Pages 10

I. PURPOSE

To establish a policy for coordinating the Victim-Witness Assistance Programs with County Prosecutors. The Clayton County Offices of the District Attorney and Solicitor already have Victim-Witness Assistance Programs in place and operational; it is the responsibility of Department personnel to act as liaisons between these offices and the Department with victims and witnesses they come into contact with, and carry out those policies mandated by those offices.

II. POLICY

It shall be the policy of the Clayton County Police Department to treat victims and witnesses professionally with compassion, fairness, and dignity. Consequently, the Department will remain dedicated and committed to the development, implementation and perpetuation of the Victim-Witness Assistance Programs as created and administered through the Clayton County District Attorney's Office and the Clayton County Solicitor's Office.

III. DEFINITIONS

Victim: Individuals or family members subjected to financial, emotional, psychological, or physical trauma as the direct result of a crime committed upon his or her person or property.

Witness: Individuals or family members who have knowledge or evidence pertinent to the investigation of a crime.

IV. GEORGIA CRIME VICTIMS BILL OF RIGHTS

The Georgia Crime Victims Bill of Rights, O.C.G.A. 17-17-1, et seq., provides individuals who are victims of certain crimes specific rights.

A. These rights include:

1. The right to reasonable, accurate, and timely notice of any scheduled court proceedings or any changes to such proceedings;
2. The right to reasonable, accurate, and timely notice of the arrest, release, or escape of the accused;
3. The right not to be excluded from any scheduled court proceedings, except as provided by law;
4. The right to be heard at any scheduled court proceedings involving the release, plea, or sentencing of the accused;
5. The right to file a written objection in any parole proceedings involving the accused;
6. The right to confer with the prosecuting attorney in any criminal prosecution related to the victim;
7. The right to restitution as provided by law;
8. The right to proceedings free from unreasonable delay; and
9. The right to be treated fairly and with dignity by all criminal justice agencies involved in the case.

B. The Crime Victims Bill of Rights applies to victims of the following crimes:

Homicide, Assault and Battery, Kidnapping, False Imprisonment and related offenses, Reckless Conduct, Cruelty to Children, Feticide, Stalking/Aggravated Stalking, Cruelty to a Person 65 YOA or Older, All Sexual Offenses, Burglary, Arson, Bombs and Explosives, Theft, Robbery, Forgery, Deposit Account Fraud, Illegal Use of Financial Transaction Cards, Other Fraud Related Offenses, Computer Crimes, and Identity Theft, Sale or Distribution of Harmful Materials to Minors, Elder Abuse, Homicide by Vehicle, Feticide by Vehicle and Serious Injury by Vehicle.

C. In general, after the crime occurs and is reported, and upon initial contact with a victim, law enforcement and court personnel must advise him/her of the following:

1. That it is possible that the accused may be released from custody prior to trial.
2. That victims have certain rights during various stages of the criminal justice system.
3. That victims have the right to refuse or agree to be interviewed by the accused, the accused's attorney, or anyone who represents or contacts you on behalf of the accused.

4. That additional information about these stages can be obtained by contacting the pertinent state and/or local agency involved, or by contacting the Criminal Justice Coordinating Council at 404-559-4949.
5. That victims may be eligible for monetary compensation for certain out-of-pocket losses incurred as a result of their victimization from the State's Crime Victims Emergency Fund (Crime Victims Compensation) which is administered by the Criminal Justice Coordinating Council.
6. That victims may have available to them community-based victim service programs and that more information may be obtained by contacting the Clayton County District Attorney's Office Victim-Witness Assistance Program at 770-603-4110 for felony crimes, or the Clayton County Solicitor's Office Victim-Witness Assistance Program at 770-477-3380 for misdemeanor crimes.

V. PROCEDURES

A. Authority

The Uniform Patrol Division (UPD) Commander is responsible for administering the Department's role in the delivery of victim/witness services, as designated by the Chief of Police. The overall management and administration of the Victim-Witness Assistance Program is vested with the Clayton County Offices of the District Attorney and Solicitor. The UPD Commander is also responsible for coordinating with the Public Information Officer (PIO) to inform the public and media about the Department's role regarding the delivery of victim/witness services.

B. Duties and Responsibilities

The Clayton County District Attorney's Office, the Clayton County Solicitor's Office and the Clayton County Sheriff's Office are primarily responsible for the delivery of victim/witness services in Clayton County. The Clayton County Police Department's primary role in the delivery of victim/witness services is as a first responder.

1. The Department will act in conjunction with these agencies to ensure that the Department's responsibilities to victims' rights are consistent with the Georgia Crime Victims Bill of Rights, O.C.G.A. § 17-17-1.
2. In order to fulfill the Department's role in victim/witness assistance, all employees shall:
 - a. Be familiar with applicable laws regarding victims and victims' rights;
 - b. Provide victim/witness assistance and notifications, whenever appropriate;
 - c. Be aware of available services, support agencies, and resources;
 - d. Provide timely and accurate referrals to appropriate victim services, advocacy, and counseling; and

- e. Ensure that a victim/witness receives consistent information and continuity of services from the initial call and response through the investigation and judicial processes.
3. The primary responsibility for providing assistance to victims/witnesses will usually be an officer responding to a scene.

C. Preliminary Investigations of a Crime

Officers conducting preliminary investigations are usually the first police encounter that a victim or witness will have. The success or failure of victim/witness cooperation may rely upon the treatment of this victim/witness during this initial contact. Therefore, officers shall be prepared to render the following assistance, in addition to other normal investigative routines:

1. Provide information to the victim about applicable rights and the availability of community based victim services programs (e.g., medical attention, counseling, compensation programs, emergency financial assistance, victim advocacy, etc.), when the incident involves any of the aforementioned crimes listed in this policy (i.e., Section IV.B.).

Officers shall inform the victim, or when the victim is no longer living, a member of the victim's family, that they may be entitled to funds through the Georgia Crime Victims Compensation Program.

The reporting officer should attempt to provide the victim with a copy of the *Clayton County Police Department's Victim's Rights Notification Form* which contains information on the Georgia Crime Victims Bill of Rights, applicable resources, case number, reporting officer's name, telephone numbers (i.e., Departments, County, referrals, counseling, shelters, basic needs, etc.), eligibility for monetary compensation and any additional information that may be needed to assist the victim.

See Appendix A of this procedure for the *Clayton County Police Department's Victim's Rights Notification Form*.

2. The victim shall receive prompt notification when charges are filed against an offender and/or when an offender is arrested. If the offender is arrested, the reporting officer shall provide the court date, if available, and whether the offender will be released on bond and conditions of said bond, if known, and subsequent steps in the processing of the case.
3. At the conclusion of the initial investigation, the reporting officer should:
 - a. Inform the victim of the general direction that the investigation will take, how the Department will proceed, who will be responsible for further follow up, and whether he/she should expect to be contacted;
 - b. Provide the appropriate Department telephone numbers (e.g., E911 Communications Center, precinct watch office, evidence, etc.), so that the victim can call for assistance, follow-up contact and/or report additional information; and

- c. Strongly encourage the victim to call the Department immediately if he/she is threatened and/or intimidated by anyone as a result of reporting the crime, or if he/she learns of any new information regarding the case.
4. Officers shall make their best efforts to see that crime victims are notified of, and accorded the Georgia Crime Victims Bill of Rights as described in this policy. The reporting officer must note that the crime victim was advised of such rights and/or offered a copy of the *Clayton County Police Department's Victim's Rights Notification Form*, when applicable. The reporting officer shall indicate whether the victim accepted or refused to accept the form in their *Incident Report*.
5. The Uniform Patrol Division (UPD) Commander and the UPD supervisors assume the responsibility of assuring that the above procedures (i.e., Preliminary Investigations of a Crime) are complied with. When a UPD supervisor reviews reports, they will look for documentation that details an appropriate victim response and that necessary follow-up investigation and contacts are being conducted.

D. Follow-up Investigations

The Department is responsible for conducting the follow-up criminal investigation while victim/witness services will be provided by the Offices of the District Attorney or Solicitor. Occasionally, the Department may have a role in the delivery of services when requested by one of the primary agencies.

1. Uniform patrol officers may conduct follow-up investigations in all cases not requiring specialized skills, knowledge and abilities.
2. The supervisors assigned to the Criminal Investigations Division (CID) will review incoming *Incident Reports* submitted by sworn personnel to assess and determine the need for case assignment. Some of the reports may be returned to the Uniform Patrol Division for follow-up based upon information listed in the narrative and other reports may be assigned to a detective to investigate.
3. Occasionally, a CID supervisor might assign a case (e.g., domestic violence, child abuse, elder abuse, sexual assault, crimes involving gender identity/expression, etc.) that requires more than the average amount of law enforcement assistance to victims. Normally when such a case is assigned, the detective will make contact with the victim within three (3) business days after receiving the report. The detective will conduct follow-up investigation and perform or coordinate the following, when applicable:
 - a. Briefing an investigator of the District Attorney's Office or Solicitor's Office about the case and coordinating efforts with such investigator to ensure the victim is aware of services provided by victim advocates.
 - b. Contacting the victim as soon as practical, to:
 - 1) Determine whether the victim has new details about the case;

- 2) Verify the victim's case number, address, phone number and other contact information;
 - 3) Provide the victim with his/her contact information;
 - 4) Explain the steps involved in the prosecution of the case and the victim's role in the process;
 - 5) Verify the victim's needs are being met; and
 - 6) Ensure the victim has all of the necessary contact information for the District Attorney's Office or Solicitor's Office and any other involved department/agency or non-governmental organization.
- c. During the investigation, the detective shall provide the victim, the earliest possible notice of:
- 1) The discovery of safety and security concerns and/or threats;
 - 2) When charges are filed against the offender, unless such information would be detrimental to the investigation or otherwise undermine the Department's ability to adequately investigate;
 - 3) When the offender is arrested, charges, possible court date, if known, and whether the offender will be released on bond and conditions of said bond, if known.
 - 4) The status of the investigation of the crime, to the extent it is appropriate to inform the victim and to the extent that it will not interfere with the investigation;

Notification of an arrest is not always possible because of a number of factors, but every attempt should be made. Victims may be referred to the Clayton County Sheriff's Office for inmate status. The victim can check to see if an offender is an inmate at the Clayton County Jail via the internet (http://www.inmatesearchgeorgia.org/Clayton_County.html), by phone (770)477-4413, or in person at 9157 Tara Blvd, Jonesboro.

- d. Scheduling of line-ups, interviews and other required appearances for a victim on any rape or sex crime shall be conducted at the convenience of the victim, whenever possible. The lead detective shall make the District Attorney's Office aware of such processes, so that arrangements can be made to have a victim advocate present. This also applies for family members who may be significantly impacted by the process.
- e. Whenever possible, coordinating with the District Attorney's Office or the Solicitor's Office to promptly return any property belonging to the victim that was collected as evidence as soon as it is no longer needed for evidentiary purposes, unless there is a compelling reason for retaining it.
- f. If death is determined to be a result of a crime, or an investigation for possible criminal charges ensues, contact with the District Attorney's

Office should be made as soon as possible for an advocate to be assigned to provide services to the family.

- g. All contacts, referrals, assistance, follow-up investigations, phone calls, arrest, charges, special conditions, orders, notifications to the victim on any changes in the case status, and all other pertinent information will be recorded in the Investigative Case File.
4. The CID Commander and the CID supervisors assume the responsibility of assuring that the above procedures (i.e., Follow-up Investigations) are complied with. CID supervisors will review the Investigative Case Files of their subordinates to ensure documentation and/or information that details an appropriate victim response is incorporated and/or included, and that necessary follow-up contacts are being conducted.

E. Victim/Witness Threats and/or Intimidation

Appropriate assistance will be determined by the nature of each case, level of threat and resources available to the Department. Appropriate assistance may range from arresting the suspect to simply speaking with the victim/witness. Whenever an officer or any other Department personnel becomes aware of any threat and/or intimidation to a victim/witness, they shall immediately notify an on-duty supervisor, who will ensure that appropriate measures are taken, which may include, but is not limited to the following:

1. When applicable, notify, the Sector Commander via chain of command and provide him/her with the type of threat and/or intimidation. The Sector Commander shall consider the nature of the threat and/or level of intimidation and potential for further problems.
2. Arrange for the safety and protection of the victim/witness if the Sector Commander feels the case warrants personal protection.
3. Initiate action to begin a targeted and/or general patrol on the residence and/or other location of the victim/witness, if necessary.
4. If the victim/witness is located outside the County, and/or the incident occurred outside the County, the appropriate jurisdiction will be contacted.
5. Provide, if needed, protective custody until the victim/witness can be removed to a place of safety.
6. Notify the appropriate CID supervisor about the incident; immediate notification will depend on the circumstances.
7. Ensure the reporting officer conducts a thorough investigation and if possible arrest and/or pursue warrants against the suspect, when probable cause exists.
8. An *Incident Report* shall be completed for any threats and/or intimidation to a victim/witness that occurred within the jurisdiction of this Department (unincorporated, Clayton County), and promptly forwarded to the Criminal Investigation Division (CID) for further review and/or follow-up.

9. Notify the District Attorney's Office or Solicitor's Office of any threat and/or intimidation received, and provide the new case number and information regarding the incident.
10. Documentation of the threat and/or intimidation shall be covered at roll call, so other officers working the area are aware of the incident.

F. Level of Assistance (Implementation and Delivery of the Victim/Witness Assistance Services)

Usually, the E911/Communications Center is the single point of contact for victims and witnesses. Dispatchers who receive calls for service in the center are responsible for the correct and timely conveyance of the call to the appropriate department/agency.

1. Victim/witness assistance information is available twenty-four (24) hours a day through the E911/Communications Center.
 - a. Any incident that threatens health, life or property should be reported to 911.
 - b. Any incident of a minor nature, victims/witnesses may call the non-emergency phone number 770-477-3550.
2. In responding to victim/witness calls for information or service, E911 personnel will determine whether an emergency or non-emergency response is required and inform the victim/witness of the Department's response.
3. All E911 personnel shall assist all victims/witnesses prior to an officer's arrival to the greatest extent possible.
4. When the E911/Communications Center receives a request for information for other services (e.g., battered women's shelter, housing assistance, emergency financial assistance, support groups, etc.), E911 personnel may refer to the Clayton Cares Human Services Directory, when applicable, and provide the requesting victim/witness with available resources.
5. E911 personnel shall maintain current knowledge of victim/witness services that are available to the public.

G. Confidentiality of Records

The Department will ensure the confidentiality of all related records and files of victims and witnesses that are consistent with state and other applicable laws. Regarding any pending investigation(s) or prosecution(s) of criminal or unlawful activity, any and all releases of information will be in accordance with the Georgia Open Records Act, OCGA § 50-18-72(a)(4).

H. Release of Media and Public Information

The Public Information Officer (PIO) will release media and public information concerning the Department's assistance and/or involvement in a Victim-

Witness Assistance Program, when authorized by the Chief of Police, or authorized designee. Generally, the Department will provide access to media representatives who are entitled to review *Incident Reports* and *Supplemental Reports*; however, these will be made available through the Records Unit. For other pertinent information, the media representatives will be referred to the Community Affairs/Public Information Unit.

I. Liaison with other Agencies

The Department will work in conjunction with the coordinators of the Victim-Witness Assistance Programs in the Offices of the District Attorney and/or Solicitor. In addition, the Department will maintain liaison and coordinate efforts with other departments/agencies and non-governmental organizations in the service areas that are responsible for the delivery of referral services and concerned with victim/witness needs and rights, which include:

1. Ensuring that referrals of victims/witnesses to outside sources are based on accurate and up-to-date knowledge of the services provided; and
2. Maintaining an ongoing channel of communication by which to offer and receive suggestions about how the Department and other entities can work together effectively to better serve the victim/witness.

J. Training

All new, current, sworn and non-sworn employees of the Department will be trained in the subject area concerning the Department's role in the Victim-Witness Assistance Programs. Probationary Officers will receive training during the Field-Training Program (FTO). New civilian employees will receive training during orientation. All other employees will be trained during in-service training, which will be coordinated by the Department's Training Unit.

K. Georgia Crime Victims' Compensation Program

The General Assembly recognizes that many innocent persons suffer personal physical injury, serious mental or emotional trauma, severe financial hardship, or death as a result of criminal acts or attempted criminal acts. The General Assembly finds and determines that there is a need for assistance for such victims of crimes. Accordingly, it is the General Assembly's intent that under certain circumstances, aid, care and assistance be provided by the state for such victims of crimes. The Georgia General Assembly created the Georgia's Crime Victim's Compensation Program for two (2) primary purposes: to assist victims with expenses they incurred as a result of a violent crime and to encourage victims to participate in the criminal justice system.

Reporting Requirements and Filing Deadlines:

1. For crimes occurring prior to July 1, 2014, an application for crime victim compensation must be filed with the Criminal Justice Coordinating Council (CJCC) within one (1) year of the crime, unless good cause is shown, a

claim submitted three (3) years after the victimization cannot be considered.

For crimes occurring on or after July 1, 2014, the victim/witness must file a claim within three (3) years of the crime or the death of the victim. However, if the victim is a minor at the time of the victimization, he/she can file an application until three (3) years after his/her eighteenth birthday. If good cause is shown, the Board may extend the time for filing a claim.

2. The incident must be reported to law enforcement or an investigating agency (e.g., DFCS, APS, courts, medical authorities, or school system, etc.) within seventy-two (72) hours of the discovery of the crime, unless the Board, for good cause shown, finds the delay to have been justified.
3. The compensation fund reimburses victims expenses (e.g., medical and dental, funeral, lost wages, counseling, crime scene sanitization, and support for victims of disabled or deceased victims) incurred by the victim.

L. Victim Impact Statement

A victim impact statement is a written or oral statement presented to the court at the sentencing of the defendant. Pursuant to state law a prosecuting attorney bringing charges against a defendant shall notify, where practical, the alleged victim or, when the victim is no longer living, a member of the victim's family of his/her right to submit a victim impact statement form.

1. The victim impact statement shall identify the victim, offender and may:
 - a. Itemize any economic loss suffered by the victim as a result of the offense and may:
 - 1) Identify any physical injury suffered by the victim as a result of the offense along with its seriousness and permanence;
 - 2) Describe any change in the victim's personal welfare or familial relationships as a result of the offense; and
 - 3) Contain any other information related to the impact of the offense upon the victim or the victim's family that the victim wishes to include.
2. A judge may consider this statement in determining the appropriate sentence, or any order of restitution to the victim.
3. A victim may submit a victim impact statement to the State Board of Pardons and Paroles to become part of the inmate's permanent file and may be utilized when considering an inmate for early release.

VI. CANCELLATION

This policy amends and supersedes the following Standard Operating Procedure D35: *Victim/Witness*, dated October 1, 2009.