


FORT SMITH POLICE DEPARTMENT

POLICIES AND PROCEDURES

SUBJECT	Victim / Witness Assistance		
NUMBER	1108.14	EFFECTIVE DATE	May 11, 2001
SCHEDULED REVIEW DATE	Annually beginning November 1	ISSUE DATE	May 11, 2001
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APPROVED BY		CALEA STANDARDS	LE 55.1.1; LE 55.1.2; LE 55.1.3; LE 55.2.1; LE 55.2.2; LE 55.2.3; LE 55.2.4; LE 55.2.5; LE 55.2.6

I. Purpose and Scope

- A. The purpose of this policy is to describe the victim and witness assistance function within the Fort Smith Police Department, to designate the organizational components responsible for this function, and to define the goals, objectives, and operations of the victim and witness assistance program.

II. Policy

- A. It is the desire of the Fort Smith Police Department to develop a better rapport between law enforcement professionals and those persons within our society who have been directly affected by crime. To accomplish this goal, it is the policy of the Fort Smith Police Department to strive to ensure that a victim's or witness's interests are protected and that they are treated with fairness, compassion, and dignity. The Fort Smith Police Department will work in cooperation with the Victim/Witness Coordinator Unit of the Twelfth Judicial District Prosecuting Attorney's Office to ensure that all right and needs of victims and witnesses are met in compliance with any and all applicable Arkansas law.

III. Definitions

- A. *Victim* – A person who suffers physical, financial, or emotional harm as the direct result of a specified crime committed upon his or her person or property. Also regarded as victims are (1) a spouse, child, parent, or legal guardian of a minor child, and (2) a spouse, child, parent, or legal guardian of a homicide victim. This definition *excludes* any person involved in a crime as a perpetrator or accomplice.
- B. *Witness* – A person who, as determined by a law enforcement agency, has information or evidence relevant to the investigation of a specified crime. When the witness is a minor, the term “witness” includes an appropriate family member. “Witness”, for the purposes of this policy, includes neither defense witnesses nor anyone involved in the crime as a perpetrator or accomplice. All victims are witnesses.

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- C. *Victim/Witness Coordinator* – An employee of the Twelfth Judicial District Prosecuting Attorney’s Office who is designated to establish and maintain a positive working relationship between the victim or witness, the judicial system, the police department and other assistance sources. From the Fort Smith Police Department’s perspective, each assigned investigator shall serve as his or her own victim or witness coordinator and shall be responsible for maintaining and updating contact with all associated witnesses.
- D. *Violent Crimes* - Offenses reported to the Fort Smith Police Department that include the following types of crimes: homicide, kidnapping, rape or sexual assaults, felony batteries or aggravated assault, first degree terroristic threatening, stalking, and domestic batteries.

IV. Procedure

- A. The Fort Smith Police Department will make a concerted effort to ensure that the rights of people victimized by crime and violence, or those of related witnesses are upheld as provided by law.
- B. Arkansas Statute # 16-90-1107 requires that victims of certain crimes be provided specific information. In compliance with this and related laws, the ***initial FSPD officer*** responding to an offense that meets the qualifications of a "violent crime", as defined in Section III.D of this policy, will be responsible for promptly providing the following information to the victim:
 - 1. An explanation of the victim’s rights as provided by this statute;
 - 2. Information concerning the availability of assistance to the victim including medical, housing, counseling, financial, social, legal, and emergency services;
 - 3. Compensation for victim(s) under the Arkansas Crime Victims Reparations Act (Arkansas Statute #16-90-701) to include the name, street address, and telephone number of the agency to contact;
 - 4. Protection for the victim or witness, to include protective court orders;
 - 5. Access by the victim to public records pertaining to the case.
 - 6. Officers will provide a Victim Information Card to the victim.
- C. Pursuant to Arkansas Statute # 16-90-1107, as soon as practicable, ***the Investigations Division*** of the Fort Smith Police Department will provide to the victim the following information, as relevant:
 - 1. Information as to the suspect’s identity, unless inconsistent with law enforcement purposes;
 - 2. Information as to whether the suspect has been taken into custody, has escaped, or has been released; and any conditions imposed on the release when such information has been made known to the Fort Smith Police Department;
 - 3. The relevant case number and the name, office address, and office telephone number of the investigator assigned to the case; and
 - 4. The prosecuting attorney’s name, office address, and office telephone number.

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- D. The Fort Smith Police Department shall, as part of its biennial citizen survey referenced in FSPD Policy and Procedure #1108.13, conduct an analysis of victim or witness needs and available services within the service area of the Police Department. As a result of this survey section, a list of victim or witness services the Police Department can provide without duplicating the efforts of other available services will be developed and maintained. This analysis should include, at a minimum, the following items:
1. What are the most common needs of the victims or witnesses?
 2. How are those needs being met by the Fort Smith Police Department, other government agencies, or by other community service organizations?
 3. What needs of victims or witnesses remain unfulfilled and, of those, which of these needs should the Fort Smith Police Department address?
- E. Biennially, the Public Affairs Officer shall update the Victim Information Card, as referenced in Section IV. B. 6. Of this policy, to reflect any changes in available services.
- F. It is the responsibility of each investigator to act as the liaison between the Fort Smith Police Department and the victim and/or witnesses associated with each of his/her assigned cases. The assigned investigator shall be responsible for delivery of all victim or witness assistance as required by Arkansas Statute #16-90-1107 and described above in Item IV, A, B and C. Each assigned investigator shall maintain a close working relationship with the designated Victim/Witness Coordinator in the Prosecuting Attorney's Office to reasonably ensure that all needs of the victim or witness are being met through either the Police Department, the Prosecuting Attorney's Office, or through any other resource that provides victim or witness assistance.
- G. As a measure to ensure the confidentiality of victims and witnesses, all members of the Fort Smith Police Department (both sworn and non-sworn) shall refrain from releasing to the public information pertaining to the following items:
1. The identity or location of a victim or witness in any type of sexual assault case (Arkansas Statute #12-12-913(e) (1), Arkansas Statute #16-90-1104);
 2. Any type of crime in which the offender is a minor not charged as an adult (Arkansas Statute #9-27-352);
 3. Any release of information that may endanger a victim or witness;
 4. Any release of information that could violate the safety of a confidential informant; or
 5. Any other type of information not specifically listed within the Arkansas Freedom of Information Act (Arkansas State Statute #25-19-101).
- H. The Fort Smith Police Department will periodically inform the media and the public about the Police Department's victim or witness assistance programs, as well as other victim or witness services available in the local area. The MIS Analyst and/or the GIS Analyst shall make current victim/witnesses assistance information available within the Police Department's official website. The Public Affairs Officer and the Crime Prevention Officer shall incorporate the following information into their plans and programs:
1. A summary of victim/witness rights according to applicable Arkansas Statutes and FSPD policies and procedures; and

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2. A summary of available victim/witness assistance services.
- I. The Fort Smith Police Department recognizes that at times, victims and witnesses desire information about available assistance programs and services prior to their actually reporting the offense. The Fort Smith Police Department 911 Communication Center is staffed twenty four (24) hours a day and shall serve as a point of contact for information of this nature. 911 Center Operators shall be familiar with various victim and witness assistance programs and will transfer callers to the appropriate assistance agencies.
- J. All members of the Fort Smith Police Department will be familiar with the assistance referrals to the Crisis Center for Women. Members will work in cooperation with this organization to provide assistance to victims in need of their services. The Crisis Center for Women provides assistance to victims of domestic violence and sexual assault on a twenty four (24) hour a day basis that includes counseling, shelter, support groups, children's programs, as well as transitional programs to provide assistance to victims returning to the workforce and society. This information shall be part of the field training curriculum.
- K. The Fort Smith Police Department will work in cooperation with the Prosecuting Attorney's Office by informing victims and witnesses about the Victim Information and Notification Everyday (VINE) Program. The VINE program is a free, automated hotline that provides crime victims and witnesses with vital information and notification about the status of inmates in the Arkansas Department of Corrections or about persons who have been incarcerated in the County Jail. The service, which is provided by the Arkansas Crime Information Center (ACIC), allows the user to obtain inmate information, register for notification of inmate court dates and release information, as well as receive additional information on similar service agencies available within the State of Arkansas. Officers with the Fort Smith Police Department will have access to VINE informational material for distribution to crime victims or witnesses.
- L. It shall be the policy of the Fort Smith Police Department to aggressively pursue criminal action against any person(s) suspected of interfering with the rights of a victim or witness. Patrol officers and/or investigators will provide a reasonable and appropriate response to victims or witnesses who have been threatened or express credible reasons for fearing intimidation or further victimization in the following manner:
1. Complete an offense/incident report to document the threat or the fears of the reporting victim or witness;
 2. If a patrol officer makes the initial contact with the victim or witness, he/she shall take steps to notify the assigned case investigator to inform him of the situation; and
 3. The assigned case investigator shall notify the Prosecuting Attorney's Office to inform them of the situation and to pursue appropriate action against the suspect.
- M. If a member of the Fort Smith Police Department becomes aware of any danger to a victim or witness, the member shall take all reasonable steps to promptly notify the victim or witness of the danger as well as notify the assigned case investigator. If the victim or witness is in a jurisdiction outside that of the Fort Smith Police Department, the member shall notify the appropriate jurisdictional agency, inform this agency of the situation, and request that reasonable precautions be taken.
- N. When appropriate, members of the Fort Smith Police Department conducting *preliminary investigations* shall provide, at a minimum, the following types of information to victims or witnesses:

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1. Applicable assistance services available through the Fort Smith Police Department or any outside agency (i.e. medical attention, counseling, compensation programs, and victim or witness assistance program.);
 2. Inform the victim or witness of steps to take if the suspect threatens or intimidates the victim or witness or members of their family.
 3. Provide the victim or witness with the call for service number pertaining to the incident as well as inform them of the steps they can expect to be taken by both the investigator and the victim as the case progresses.
 4. Provide the Police Department's telephone number as well as the Prosecuting Attorney's Office telephone number to the victim or witness so he/she may call to report additional information about the case or to receive information about the status of the case.
- O. The Fort Smith Police Department shall provide victim or witness assistance during the *follow-up investigation* that includes, at a minimum, the following information:
1. Assigned case investigators shall make all reasonable efforts to contact victims or witnesses within three days of the case being assigned to begin the follow-up and to determine any possible victim or witness assistance they may need. If, in the opinion of the case investigator, the impact of the crime on the victim and/or witnesses has been unusually severe, the case investigator shall assist the victim or witnesses obtain the appropriate assistance by contacting them periodically. The case shall be periodically reviewed by Criminal Investigations Division supervisors to ensure the proper action has been taken and the needs of the victim or witnesses are being met.
 2. Upon contacting the victims or witnesses, the case investigator shall explain the procedures involved in the prosecution of their case and the roles played in the prosecution process. The case investigator shall also urge both the victim and the witnesses to maintain contact with the Police Department as well as with the Prosecuting Attorney's Office to ensure adequate communications and to relay their needs as they arise.
 3. The assigned case investigator shall make reasonable efforts to schedule necessary appearances by victims or witnesses for interviews or line-ups at the convenience of the victim or witness. The case investigator shall, if feasible and necessary, also make arrangements for transportation for the victim or witnesses for scheduled appearances, such as interviews and required court dates.
 4. The assigned case investigator shall facilitate the prompt return of any property taken as evidence in accordance with Arkansas Statute #16-90-1106(b) when the property is no longer needed for evidentiary purposes and provided the property is not contraband or subject to forfeiture.

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5. The assigned case investigator with the Fort Smith Police Department shall work closely with the Victim/Witness Coordinator assigned by the Twelfth Judicial District Prosecuting Attorney's Office to ensure that all needs of the victims or witnesses are being met throughout the course of the investigation as well as subsequent judicial process.
- P. Upon arrest and post-arrest processing of the suspect, the assigned case investigator shall render victim or witness assistance services to include, but not be limited to, the following:
1. When an arrest is made in any case in which victim or witness assistance is required, the case investigator shall contact the victim and/or witnesses whenever possible and inform them that an arrest has been made in the case and the prospects for pre-trial release of the suspect;
 2. The case investigator shall provide information to the victim and/or witnesses regarding the investigation, prosecution, and their role in the criminal justice process; and
 3. The case investigator shall be responsible for informing the victim and/or witnesses of any changes that occur within the case itself (i.e. changes in filed charges, custody status of suspect, and any conditions imposed on suspect upon release, etc.).
- Q. The Fort Smith Police Department shall undertake the responsibility of notification of next-of-kin in the event of a death, serious injury or serious illness. When a notification is necessary by our agency or a request for notification is received from another law enforcement agency, the following procedure shall be followed:
1. First and foremost, the members of the Fort Smith Police Department making the notification shall be mindful of the impact of the notification and shall make every effort to see that the person notified receives the appropriate level of assistance from our Department.
 2. If available, a Police Department Chaplain may accompany another member of the Police Department to make notifications in person as soon as possible. If the Police Department Chaplain is unavailable, the supervisor with immediate control of the incident shall assign two members of the Police Department to make the notification. In criminal cases, coordination with the assigned investigator should also take place. *(For additional information regarding the delivery of emergency messages, see FSPD Policy and Procedure 1108.07).*
- R. The Fort Smith Police Department's Training Coordinator will be responsible for the following training issues regarding victim or witness assistance programs:
1. Ensuring that all members of the Fort Smith Police Department (both sworn and non-sworn) are informed of existing community victim or witness assistance programs through basic and field training;
 2. Updating training programs as victim or witness assistance laws and available services change; and
 3. Ensuring that all members of the Fort Smith Police Department (both sworn and non-sworn) receive training in victim or witness assistance and the role of law enforcement in providing this assistance.

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