

Greer Police Department

General Order 840.1 Victim/Witness Assistance

This order consists of the following numbered sections:

- I. SOUTH CAROLINA VICTIM AND WITNESS BILL OF RIGHTS
- II. VICTIM NOTIFICATION INFORMATION FORM
- III. LAW ENFORCEMENT RESPONSIBILITIES
- IV. VICTIMS ADVOCATE
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I. SOUTH CAROLINA VICTIM'S AND WITNESS'S BILL OF RIGHTS

- A. On January 1, 1998, the Victims Bill of Rights became part of the South Carolina Constitution. The rights enumerated below, therefore, are constitutional rights afforded to individual crime victims. The law does not apply to commercial victims:
1. To be treated with fairness, respect and dignity and to be free from intimidation, harassment or abuse.
 2. Be reasonably informed when the accused or convicted person is arrested, released from custody, or has escaped.
 3. Be informed of and present at all criminal proceedings which are dispositive of the charges where the defendant has the right to be present.
 4. To be allowed to submit either a written or oral statement at all hearings affecting bond or bail.
 5. To be heard at any proceeding involving a post arrest motion, plea or sentencing.
 6. Be reasonably protected from the accused or persons acting on behalf of the accused throughout the criminal justice process.
 7. To confer with the prosecution before the trial, or before any disposition, and be informed of the disposition.
 8. To have reasonable access after the conclusion of the criminal investigation to all documents relating to the crime against the victim before trial.
 9. To receive prompt and full restitution from the convicted person or persons.
 10. To be informed of any post-conviction action or hearing and be present at any hearing.
 11. To a reasonable disposition and prompt and final resolution of the case.
- B. In addition to the rights set forth above, Article 15 is established in the South Carolina Code of Laws which assigns responsibilities pertaining to victims and witnesses to law enforcement agencies, detention facilities, prosecutors, Department of Juvenile Justice and courts.
- C. For the purpose of complying with the requirements of Article 15, a criminal offense is defined as an offense against the person or an offense against the property of the person when the value of the property destroyed or the cost of the damage is in excess of one thousand dollars. Criminal offense does not include the drawing or uttering of a fraudulent check. Victims of a traffic collision, in which the victim(s) suffers personal injury or property damages where the offending party is charged with DUI, Vehicular Homicide, Manslaughter, Hit and Run, and Reckless Driving, will also be protected by the victims rights law. Additionally, victim services will be provided to all residential burglary victims regardless of

value of loss or cost in damages. An additional listing of crimes requiring a VNI may be found at the end of this General Order.

II. VICTIM NOTIFICATION INFORMATION FORM

The Victim Notification Information (VNI) form has been created to facilitate twenty-four hour a day compliance with the Victims Rights statute by providing the victim with information required by law, ensuring the victim is notified of all hearings pertaining to the defendant in the victim's case, and informing the victim of defendant transfer, release or escape. The VNI form will be utilized in accordance with the following instructions and procedures:

A. Law Enforcement Incident Report

1. The reporting officer will include in the police incident report a notation that the VNI form was completed and explained to the victim and a copy provided to the victim.
2. The victim will be provided the incident case number if known and advised that a copy of the incident report will be available for them at no cost at the Records Section.

B. VNI Form

1. The officer will complete the VNI form and have the victim, a relative or contact person sign the VNI form. If the victim refuses to sign the form or is deceased or incapacitated and no one is available to sign on behalf of the victim, the circumstances will be noted on the VNI form and in the police incident report.
2. The reporting officer will explain that the back of the victim's copy of the VNI form provides the victim with an overview of their rights along with important phone numbers. The victim's copy will then be given to the victim.
3. For open cases with no arrest, all other copies will be attached to the incident report.
4. If the initiating officer seeks a warrant, the warrant copy of the VNI form and a copy of the incident report will be presented to the issuing authority who will attach both to the warrant. The remaining copies of the VNI form will be attached to the original incident report.
5. If the initiating officer issues a Uniform Traffic Ticket for a criminal offense covered by the Victims Rights law, the warrant copy of the VNI form will be attached to the green copy of the ticket and given to the magistrate or municipal judge along with a copy of the original incident report.
6. If the incident report is assigned to an investigator or an investigator responds to a scene, the investigator will take the warrant copy of the VNI form and a copy of the incident report to the issuing authority if a warrant is to be sought.
7. When the victim has requested to be informed, Detention personnel will make a reasonable attempt to notify the victim at the time of arrest, prior to arraignment and prior to releasing a defendant. Such attempts will be documented on the back of the warrant copy of the VNI form.

8. When a defendant is transferred to a county facility, the on-duty detention officer will ensure that the warrant copy of the VNI form is forwarded to that facility with the charging documents.
9. Face to face arraignments of City Court cases will be held at Police Headquarters daily, including weekends. If the arraignment is done on video and during normal business hours, the victim is to be advised to go to City Court. The arresting officers are responsible for informing the victim of the date, time and location of the arraignment unless the victim has waived that right on the VNI form. Arraignments will not take place unless the completed VNI form is present for the arraigning officer to review.
10. It will be the responsibility of the on-duty detention officer to notify the victim of the date, time and location of arraignments and bond hearings for defendants who have been incarcerated in the City jail and who are being taken before a county magistrate unless the victim has waived that right on the VNI form.

C. Form Maintenance and Distribution

The data entry clerk will be responsible for removing the CID/Victim Advocate copy of the VNI form from the incident report and forwarding that copy to the CID Commander.

- D. For cases involving DJJ, the warrant copy will be provided to the responding DJJ agent. If there is going to be DJJ involvement but no immediate response from DJJ personnel, it will be the responsibility of the Juvenile Investigator to forward the VNI form to DJJ.

III. LAW ENFORCEMENT RESPONSIBILITIES

A. Delivery of Victim/Witness Services

It shall be the responsibility of the Victim Advocate and the investigating/arresting officer to ensure that victims and witnesses are afforded the rights granted them by state law.

1. Preliminary Investigation

- a. Victims will be provided with VNI form and informed that by contacting the Greer Police Department Victim Advocate they will receive information regarding counseling, medical attention, compensation programs or financial assistance and victim advocacy.
- b. Victims and witnesses will be advised of the action to take if they are subjected to threats or intimidation stemming from their involvement in the incident.
- c. Officers will not assume that victims know how to contact the police Department for assistance. Victim/witnesses will be informed that essential telephone numbers are available on the back of the VNI form.
- d. Victims and witnesses will be informed about the steps in processing the case such as solicitor review, grand jury indictment, preliminary hearing, attorney inquiry, etc.

2. Follow-Up Investigation

- a. Each victim will be assigned a Victim Advocate for follow-up services.

- b. In order to assess the impact the crime has had on victims and witnesses, they will be contacted periodically by the Victim Advocate.
- c. The Victim Advocate will explain the prosecution process and the victim advocates role in that process and will answer any questions presented to them regarding the process. The Victim Advocate will ensure that all required reports are sent to the appropriate prosecutor.
- d. Officers and investigators scheduling lineups, photo arrays, follow-up interviews and other required appearances will consider the convenience of the victim/witness and, if necessary, will provide transportation through the Victim Advocate.
- e. Property which is no longer needed as evidence will be returned to the owner without further delay. Where possible, evidence will be photographed for court and the property returned to the owner. This should only be done with the authorization of the solicitor or city prosecutor.

3. Resource Information

The Communication Section has access via computer to a current list of agencies available to provide appropriate assistance. This list includes County Victim/Witness Assistance Programs, the Rape Crisis Center and other social service agencies. Dispatchers are authorized and encouraged to make referrals as appropriate. Such referrals are available 24 hours a day. The Victim Advocate will also maintain a listing of alternate resources that provide additional victim resources.

4. Victim/Witness Protection

- a. As much as is allowed by State Law, the identity of victims and witnesses and their role in a particular incident will be kept confidence
- b. Any victim or witness who has been threatened or who presents credible evidence indicating they may be subjected to intimidation or further victimization will receive the amount of protection necessary to ensure their safety, including transportation to and from court and protection while in court.

5. Public Education

The services available to victim/witnesses are described on the victim copy of the VNI form. The Victim advocate will assist in any other way possible in informing the victim of available resources.

The Victim Advocate will make available to media requests the services that are guaranteed through the Victim's Bill of Rights and the Greer Police Department as well as other venues for sharing information.

6. Arrest and Post-Arrest Notifications

It shall be the responsibility of the arresting/investigating officer to notify victim and key witness personnel when an arrest is made in their case. Detention personnel will be responsible for ensuring that victim are notified of any bond hearings or releases unless that right has been waived by the victim on the VNI form.

IV. VICTIM ADVOCATE

- A. The Greer Police Department's Victim Advocate is established within the Criminal Investigations Division. The Victim Advocate is charged with the responsibility of ensuring strict compliance with the provisions of the Victim Rights law. The Victim Advocate will establish VNI files and perform such duties as may be required. Those duties include but are not limited to:
1. Keeping victims informed of the progress of their case.
 2. Transportation for victims or witnesses, if necessary, to court.
 3. Interceding with creditors on behalf of victims who cannot meet their financial obligations as a result of the crime.
 4. Providing security for victims and witnesses or are being threatened, intimidated or harassed as a result of their involvement in the case.
 5. Informing victims of social service or other resource agencies (public or private) who may be of service to them.
 6. The Victim Advocate will respond to all major crimes with victims of violent crime such as criminal domestic violence with significant injuries; assaults with significant injuries; criminal sexual conduct cases; murder; and traffic collisions with death or significant injuries that require victim advocacy. The on duty Supervisor will determine when Victim Advocate services are needed and will request Communications to contact the Victim Advocate to respond. Upon arrival, the Victim Advocate will assume all responsibilities regarding the provisions of the Victim Rights law.
 7. When on duty, the Victim Advocate will transport minor children requiring a car seat for police transportation due to incidents such as emergency protective custody. If she is not on duty, a child seat is available at the Police Department.
- B. The Victim Advocate will complete a documented review of victim/witness assistance needs and available services within the area served and accessible to the Greer Police Department at least once every two years.

V. SPECIFIC CRIMES REQUIRING VNI

- A. The following crimes require the issuance of a VNI and are in furtherance of those listed in section I.C of this General Order. This list may not be, and is not intended to be all inclusive.

Armed Robbery	Arson
Assault and Battery (all levels)	Blackmail
Breach of Trust exceeding \$1000	Burglary (Residential)
Car Jacking	Child Abuse/Neglect
Child Endangerment	Criminal Sexual Conduct (all levels)
Discharging Weapon into Dwelling	Dog Bite with criminal charge
Domestic Violence (all levels)	DUI
Violation of No Contact Order	Flim-Flam
Forgery	Fraud
Larceny exceeding \$1000	Harassment
Home Invasion	Homicide
Hit & Run	Indecent Exposure
Kidnapping	Lewd Act on Minor

A & B by Mob (Lynching)
Pointing and Presenting Firearm
Unlawful Communication
Voyeurism

Manslaughter
Stalking
Violation of Protection/Retraining Order

B. Businesses do not receive a VNI and are not entitled to victim services.