

VICTIM/WITNESS ASSISTANCE

1. **PURPOSE:** The purpose of this written directive is to provide uniform operational procedures for the Huntsville Police Department's handling of victims and witnesses.
2. **POLICY:** The Huntsville Police Department recognizes that crime victims and witnesses have special needs. Responsiveness to these needs will be a priority. As stated in the 1982 President's Task Force on Victims of Crime, "The individual officer cannot be expected to meet each victim's needs personally and immediately, but he can serve as the essential link between the victim and the services that are available". Every employee will be expected to act as this link as part of the department-wide Victim/Witness Assistance Program.
3. **SCOPE:** This written directive is applicable to all personnel.
4. **RESPONSIBILITY:** It is the responsibility of all personnel to comply with this directive. It is the responsibility of the training staff to train all sworn personnel to uphold victim/witness rights.
5. **DEFINITIONS**
 - A. **Victim:** A person who suffers physical, financial or emotional harm as the direct result of a specified crime committed upon his/her person or property. Also regarded as victims are
 1. A spouse, child, parent or legal guardian of a minor victim, or
 2. A spouse, child sibling, 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 the law enforcement agency, has information or evidence relevant to the investigation of a specified crime. All victims are witnesses.
 - C. **Specified Crime:** Any felony or misdemeanor offense.
6. **VICTIM'S RIGHTS:** Employees will make a conscious effort to uphold a victim's rights in all situations. In addition to Constitutional rights, victims have been granted the following rights by the State of Alabama:
 - A. Full compensation from the offender for any pecuniary loss, damage or injury as a direct or indirect result of criminal activity (Title 15-18-65);
 - B. To be present and not excluded from any court exercising jurisdiction over the offense against the victim (Title 15-14-51, The Alabama Crime Victim's Court

Attendance Act);

- C. To maintain confidentiality of communications with a victim counselor from any criminal court proceeding (Title 15-23-42, The Victim Counselor Confidentiality Act of 1987);
- D. To not be compelled in any court proceeding to provide testimony that would identify the name, address, location or telephone number of any safe house, abuse shelter or other facility that provided emergency shelter to the victim (Title 15-23-42);
- E. In cases of violent crime, victims and dependents may be compensated in the amount of actual expenses incurred as a direct result of criminal acts (Title 15-23-2, Alabama Crime Victims Compensation Act); and
- F. In cases involving sexual offense or exploitation, certain minor victims are afforded protections during court proceedings that are designed to insure the welfare of the child victim (Title 15-25-1 through 6 and 15-25-30, The Child Sexual Abuse Victim Protection Act of 1989).

7. VICTIM/WITNESS COORDINATOR

- A. The Major Crimes Unit Sergeant will serve as the Victim/Witness Coordinator.
- B. The Victim/Witness Coordinator will act as the department's liaison with the Madison County District Attorney's Victim Assistance Unit, Helpline, other City of Huntsville departments (in cases with agency personnel as victims) and all other agencies that may provide victim/witness assistance.
- C. At least once every three years, if a current analysis is not available, the Victim/Witness Coordinator will cause a complete analysis of victim/witness needs and available services within the department's service area.
 - 1. An analysis of victim/witness services will include, at a minimum, the following elements:
 - a. The extent and major types of victimization within departmental jurisdiction;
 - b. An inventory of information and service needs of victims/witnesses in general (including homicide or suicide survivors) and special victims, such as those victimized by domestic violence, abuse and neglect (especially children and the elderly), sexual crimes and drunken drivers;
 - c. Victim assistance and related community services available; and
 - d. Identification of unfulfilled needs and the identification of those

that can be appropriately met by the department.

2. The Coordinator will use the analysis to determine
 - a. Whether any changes in the department's implementation and delivery of victim/witness assistance services are needed,
 - b. Whether current procedures are ensuring the confidentiality of records and files of victims/witnesses and their roles in case development to the extent consistent with applicable law, and
 - c. Whether departmental efforts to periodically inform the public and media about available victim/witness assistance services have been effective through both content and frequency.
 3. The Coordinator will be responsible for initiating changes in departmental procedures to correct deficiencies in service pointed out by the analysis. This may include requesting additional continuing education and recruit training for all sworn personnel.
 4. The Coordinator will be responsible for developing and disseminating any training bulletins necessary to train employees in the provision of victim/witness assistance services.
- D. The Victim/Witness Coordinator will be responsible for incorporating the department's victim/witness assistance role into the Operations Bureau's yearly goals and objectives.

8. PROCEDURES

- A. All personnel will at all times treat victims and witnesses with fairness, compassion and dignity. The rights of the victim will not be abridged in favor of the rights of the suspect. The department will maintain its commitment to the development, implementation and continuation of appropriate victim/witness assistance programs and activities.
- B. When an Officer makes contact with a victim/witness of any specified crime, the Officer will provide an approved victim/witness assistance pamphlet to the victim/witness.
 1. The Officer will write the case number on the pamphlet and explain how the case will be handled.
 2. The Officer will point out telephone numbers on the pamphlet the victim/witness may call to report or receive additional information about the case.
 3. If a pamphlet is not available, the Officer will verbally relay the

information contained in the pamphlet and offer to write down the case number.

- C. The responding Officer will refer the victim/witness to appropriate service agencies (counseling, medical, compensation or advocacy). The Officer will also refer the victim/witness to the police dispatch phone number if more information on such services is needed during any 24-hour period.
- D. The Officer will advise the victim/witness to contact police if he/she is threatened or otherwise intimidated by the suspect or the suspect's companions or family. When an Officer receives a report from a victim/witness of an act of retaliation or the threat of retaliation as a result of involvement in a criminal case, the following procedure will apply:
 - 1. The incident should be thoroughly documented on an Incident/Offence Report.
 - 2. The report should be forwarded to the appropriate squad for investigation. Generally, cases involving intimidation of a witness/victim should be handled by the investigator assigned to the original case.
 - 3. An on-call Investigator may be notified at the supervisor's discretion, depending on the severity of the incident.
 - 4. Acts of retaliation or threats of retaliation against a victim/witness will be given priority by the assigned investigator.

9. FOLLOW-UP INVESTIGATION PROCEDURES

- A. If the impact of a crime on a victim/witness has been unusually severe, the investigator should contact the victim periodically to ensure the victim's needs are being met.
- B. The investigator will explain to victims/witnesses the procedures involved in the prosecution of their cases and their role in those procedures.
- C. Whenever possible, victims should be scheduled for follow-up interviews, line-ups and other appearances at a time and place convenient for the victim/witness.
 - 1. If transportation is needed to these appearances, the case investigator will provide it, if feasible.
 - 2. The need for and importance of each of these appearances will be explained to the victim/witness.
- D. If property of the victim/witness is taken as evidence, the case investigator will be responsible for releasing that property to the victim as soon as possible in accordance with departmental guidelines.

- E. In cases involving violent crime, the case investigator may call the Madison County District Attorney's Victim Assistance Unit to have a Victim Advocate assigned.

10. POST ARREST PROCEDURES

- A. In cases of violent crime, the case investigator will make a reasonable effort to notify the victim/witness as soon as possible when an arrest has been made in the case. The following information will be provided to the victim/witness:
 - 1. The identity of an adult arrestee (Alabama State Code Title 12-15-101, as amended in 1990, makes disclosure of a juvenile's identity to the public without a court hearing a misdemeanor offense);
 - 2. The charges placed against the arrestee;
 - 3. When the arrest was made; and
 - 4. The amount of bond.
- B. If the case investigator is aware of changes in the custody status of the arrestee, the Investigator will notify the victim/witness of those changes as soon as possible.