



DEPARTMENT OF PUBLIC SAFETY POLICIES & PROCEDURES



Subject: Victim Advocacy Program		Policy Number: OPR: 68
Revision Number: 1	Effective Date: 09/26/2023	Original Issue Date: 01/06/2020

1) PURPOSE

- a) Victim Advocates supporting the New Mexico State Police provide crisis intervention and trauma-informed services to victims of crime in the State of New Mexico. The purpose of this policy is to delineate the working relationship between the New Mexico State Police and the Office of Legal Affairs' Victim Advocates to increase victim safety and victim access to comprehensive community services, and support victims' physical and emotional needs that result from the trauma of crime victimization.

2) POLICY

- a) It is the policy of the Department of Public Safety, through its Victim Advocate Services Program, to provide victims with crisis response to incidents which New Mexico State Police Officers and/or advocates have deemed traumatic, assessment of a victim's immediate and/or long-term emotional effects, immediate crisis intervention, and other services or referrals as appropriate. Victims of crime are to be treated with respect and given the support they need to navigate the criminal justice process while being provided with available resources.

3) APPLICABILITY

- a) This policy applies to the Department of Public Safety Office of Legal Affairs Victim Advocates, and all commissioned New Mexico State Police personnel of the New Mexico Department of Public Safety.

4) REFERENCES

- a) Victim/Witness Assistance Department of Public Safety- Policy PRS: 28
- b) National Center on Domestic and Sexual Violence.
- c) NM Courts- self-help.nmcourts.gov/domesticviolence.aspx
- d) New Mexico Coalition Against Domestic Violence – Maintaining Safe and Trustworthy Services for People Endangered by Domestic Violence part 1- Statutes, Case Law and Codes.



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- e) NM Coalition of Sexual Assault Programs – Find Help
<http://nmcsap.org/findhelp/>
- f) New Mexico Crime Victim Reparation Commission www.CVRC.state.nm.us
- g) Office for Victims of Crime (OVC) –
https://www.ovc.gov/modelstandards/guiding_values.html

5) DEFINITIONS

- a) **CJIS** - Criminal Justice Information Services
- b) **Crisis Intervention** - The immediate response to a traumatic event necessitating an urgent need to assist victims involved, including primary and secondary victims. For example, the primary victim in a child abuse case is the child, but a secondary victim may be a non-offending caregiver. Both may urgently need victim services.
- c) **DPS** - Department of Public Safety
- d) **Emotional Effects** - Include, but are not limited to, anxiety, depression, post-traumatic stress disorder (PTSD), change in behavior, increase in anger and/or fear, etc.
- e) **NMSP** - New Mexico State Police
- f) **Traumatic Events** - Include, but are not limited to, an unexpected death, domestic violence situation, child abuse, neglect or endangerment, sexual assault, mass casualties, etc.
- g) **Victim Advocates** - Professionals trained to support victims of crime. Advocates offer victims information, emotional support, identification of resources, and assistance with completion of application paperwork. Advocates are employed by the DPS Office of Legal Affairs and assigned to provide services to a specific county or location served by New Mexico State Police.

6) OPERATIONAL PROCEDURES

- a) Victim Advocate Role in working with New Mexico State Police
 - i) The Victim Advocate may review a list of the incidents from database access programs, including CJIS, to which law enforcement officers were dispatched. The Victim Advocate will review the incidents for enumerated crimes addressed under the Victims of Crime Act (VOCA). The Victim Advocate will consult with the responding officer or their immediate supervisor regarding background information on the case.



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- ii) The Victim Advocate will communicate with the law enforcement officer via phone, text and/or e-mail to obtain victim information. The NMSP officer may complete a Victim Advocacy Referral Form, either electronically or in hard copy, and provide it to the Victim Advocate.

- b) Victim Advocate Role is assisting the victim
 - i) If the victim requires medical attention, that must be addressed first. If emergency medical assistance is required, consent is not necessary. DIAL 911.
 - ii) The Victim Advocate will meet or confer with the victim, and conduct a victim centered safety and service plan.
 - iii) If the victim is experiencing a crisis, the Victim Advocate will help the victim to deescalate and stabilize and/or connect with appropriate services.
 - iv) The Victim Advocate will assess the need for services provided by other agencies and make the appropriate referrals with the victim's consent.
 - v) If the victim needs additional information from law enforcement, the victim may utilize the Victim Advocate as a liaison.
 - vi) For on-site visits, Victim Advocates should not enter a victim's home if the alleged offender is not incarcerated, or their location is unknown, unless accompanied by an officer.
 - vii) In circumstances of domestic violence, sexual assault, stalking and/or harassment:
 - (1) The Victim Advocate will help the victim with a safety plan.
 - (2) The Victim Advocate will explain the process to apply for an Order of Protection. If the victim decides to proceed with an Order of Protection, the Victim Advocate will assist the victim with the process, such as completing the necessary paperwork.
 - (3) If the victim needs immediate shelter, the Victim Advocate will help coordinate a safe harbor.
 - (4) The Victim Advocate will refer the victim to other community service providers as appropriate.
 - (5) Under no circumstances does the Victim Advocate take the victim to the Advocate's home or share personal contact information with the victim.

- c) Safety



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- i) The Victim Advocate shall communicate with their assigned post's administrative assistant and/or other DPS Victim Advocates regarding their expected location when meeting a victim away from the office.
 - ii) When called out, the Victim Advocate shall report to the on-scene commander or senior officer upon arrival.
 - iii) The Victim Advocate will not go on scene or remain there without law enforcement presence during the crisis call out.
 - iv) The Victim Advocate shall collaborate with law enforcement to assess when safe contact may occur without a law enforcement officer's presence.
 - v) If at any time the Victim Advocate feels unsafe, regardless of the assessment made by the law enforcement officer, the Victim Advocate shall leave the scene and proceed to a safe location.
- d) New Mexico Crime Victim Reparation Commission
- i) A victim who meets the guidelines for services and/or compensation from the New Mexico Crime Victim Reparation Commission (CVRC) will be provided information, application and education by the Victim Advocate, and assistance in applying for reparation funds. When in doubt, the victim should apply.
 - (1) The crime must have occurred in New Mexico.
 - (2) A police report must have been filed within thirty (30) days of the incident. However, in cases of domestic violence and sexual assault the victim has one hundred and eighty (180) days to file a police report. There is also an exception for minors in some cases.
 - ii) A completed application must be filed within two (2) years of the incident. Some exceptions may be allowed for minors under eighteen (18) years of age.
 - iii) The victim or claimant must cooperate fully with the CVRC and all law enforcement agencies. This includes a willingness to prosecute the alleged offender.
- e) Confidentiality
- i) The Victim Advocate will maintain the confidentiality of the victim and disclose information on a need-to-know basis only to:
 - (1) New Mexico State Police Officers
 - (2) Office of Legal Affairs Staff



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- (3) Agencies to which the client is referred. Referrals shall only be made with the client's written consent.
- ii) It is the obligation of the Victim Advocate to report to the necessary authorities suspected and/or confirmed incidents of:
 - (1) Child abuse and/or neglect as defined in the Abuse and Neglect Act, NMSA1978, §32A-4-3 (A);
 - (2) Elder or incapacitated adult abuse and/or neglect as defined in the Adult Protective Services Act, NMSA 1978, §27-7-30(A); and
 - (3) Any person who discloses intent to harm themselves and/or others.
- f) PROHIBITED CONDUCT
 - i) The Victim Advocate will never take the victim to the Advocate's home for any reason.
 - ii) The Victim Advocate will never share personal contact information, such as address, phone number, etc., with victims.
 - iii) The Victim Advocate will never develop a personal or intimate relationship with the victim or a member of the victim's immediate family.

7) ATTACHMENTS

- a) Referral Form

8) APPROVAL

APPROVED BY: _____

L. J. Laird

New Mexico State Police Chief

DATE: _____

09/24/23