

	SURPRISE POLICE DEPARTMENT		
VICTIMS' RIGHTS AND ASSISTANCE			OPS-04
Effective Date 12-23-2002	Revision Date 03-15-2022	Last Review Date 03-2022	Page 1 of 12

I. PURPOSE:

The purpose of this policy is to establish guidelines and procedures for victim service activities through the provision of information and advocacy services by the Victim Assistance Unit of the Surprise Police Department. The program provides victim assistance to the community of Surprise.

II. POLICY:

The policy of the Surprise Police Department is to ensure that victims of crime are afforded the needed emotional support and referrals to minimize the effects of their victimization, and those witnesses to crime receive professional handling consistent with their important investigative and prosecution roles.

III. DEFINITIONS: (55.1.1.a)

TERM	DEFINITION
Criminal Offense	For the purpose of victims' rights, victims of all misdemeanors and felony crimes will be afforded the same constitutional and statutory rights as describes in this chapter.
Victim	Arizona defines a victim as a person against whom a criminal offense has been committed or, if the person is killed or incapacitated (as a result of the criminal act), the person's spouse, parent, child, sibling, grandparent, legal guardian, or other lawful representative, except if the person is in custody for an offense or is the accused. Where the victim is incapacitated, the assigned officer/detective will make reasonable attempts to contact the lawful representative, as outlined in this paragraph, as soon as possible to notify of the incident and provide the Victims Rights Form (VRF). In the case of a mutual arrest, the VRF should be issued to any person listed as a victim, regardless of the arrest/custody status. Although they can exercise no rights while in custody, some of those rights may apply at a later time. (55.1.1.a)

TERM	DEFINITION
Victim (Continued)	1. If the victim is a minor, the victim's parent or guardian may exercise all of the victim's rights on behalf of the victim. If the criminal offense is alleged against a member of the victim's immediate family, such rights may not be exercised by that person but may be exercised by another member of the immediate family, unless the court finds that another person would better represent the interests of the minor for the purpose of victim's rights. 2. Businesses or other legal entities have limited rights primarily related to restitution and the following directives do not apply. 3. Neighborhood associations have limited rights related to drugs, prostitution, and chop shop crimes occurring in the neighborhood or by residents living in their neighborhood.
Witness	A witness is described as a person who has observed any crime eligible for victims' rights as per Arizona Constitution, Article II, Victims' Bill of Rights and ARS 13, Chapter 4 and ARS Title 8, Chapter 3, Article 7. (55.1.1.a)

IV. RESPONSIBILITIES:

A. The victim advocate will maintain the following responsibilities:

1. Update policy and procedures and make recommendations regarding the Department's compliance with Victims' Rights mandates.
2. Provide ongoing training on Victims' Rights mandates.
3. Provide on-call coverage (as available) for calls for service as they relate to this policy. (55.1.1.a)
4. Provide support during criminal investigations and liaison with detectives. (55.2.4.a-f)
5. Assist with Victims' Compensation Claims.
6. Act as a liaison with Property and Evidence CSO's to promptly return property to victims and witnesses that were taken as evidence. (55.2.4.d)
7. Provide information and referrals to community resources.
8. Provide informational support as related to criminal incidents.
9. Assist victims in obtaining Orders of Protection and Injunctions Against Harassment. (55.2.2, 55.2.3.b)

- B. Volunteers will assist in providing services during office hours, after hours, holidays, and weekends. (55.1.1.a)
- C. The victim advocate is expected to manage cases in a professional manner and provide services that are reasonable given their current caseload and time restraints.
- D. In coordination with the Public Information Officer, the Victim Advocate will maintain, update, and inform the public and media of services provided to victim(s) and witness(s) by the Victim Assistance Unit, and provide referral information for services offered by other organizations. (55.1.1.c, 55.2.1.a-b)
- E. The victim advocate will also handle special assignments as directed.

V. PROCEDURES:

- A. Victim Assistance Unit (55.1.1.a)
 - 1. Program Description - The Department's Victim Assistance Unit functions as part of the Criminal Investigation Division (CID), whose activities are overseen by the Division Commander or designee. It is the responsibility of the victim advocate to ensure that the victim's/witness's needs, that are appropriate for the agency to fulfill, are met. Employees responding to victim/witness calls have a responsibility to advise the victim/witness of the Victim Assistance Unit and the services it provides.
 - a. The Department's Victim Assistance Unit assists in establishing guidelines for employees responding to calls for assistance, as well as standardizing information that victims and witnesses need to receive concerning their rights under Arizona law. All employees will adhere to the applicable guidelines set forth in this policy when dealing with a victim or witness. (55.1.1.a)
 - 2. Availability of Victim and Witness Assistance (55.1.1.a, 81.2.1, 81.2.7)
 - a. Depending on availability, the Victim Assistance Unit may respond to calls pending the approval of the requesting employee's supervisor.
 - b. Employees are the link between the person in need and this service. Employees arranging this service are to remain on-scene until the victim advocate has arrived and is briefed on the nature of the situation and the parties involved.
 - 3. Victim Assistance Call-Outs (55.1.1.a, 81, 2.1, 81.2.7)
 - a. Employees should contact their supervisor if they are requesting a victim advocate respond on scene. If a victim advocate is requested on scene after hours, the employee should contact their supervisor who will then contact the on-call VAU phone number and request assistance.

- b. The county-contracted mental health organization will be called regarding mental health emergencies. The Victim Assistance Unit may respond and provide assistance if no other mental health agency is available and it is safe to do so.
- 4. Single Point of Contact - The Communications Center is the primary 24-hour contact point for persons in need of information regarding victim or witness assistance. (81.2.1, 81.2.7)
 - a. When requested, and an employee or other departmental assistance cannot be assigned in a timely manner, Communications personnel will provide the caller with victim assistance contact information.
 - b. Information may include departmental assistance/programs, shelter locations, counseling services, and medical assistance.
- 5. Services Provided by Victim Assistance Unit - Upon request, the victim advocate will provide information and problem solving services to crime victims and witnesses to support their successful participation in the Criminal Justice System and to protect them from further victimization. (55.1.1.a)
 - a. Advocate will assist victims of domestic violence and harassment with Orders of Protection and Injunctions Against Harassment. (55.2.2, 55.2.3.b)
 - b. Advocate for victims and witnesses on matters related to the crime to include assigning a victim advocate if available to the victim or witness during the follow up investigation. (55.2.4.e)
 - c. Periodic follow-up contact with the victim and witness to ensure that needs are being met when the impact of the crime has been determined to be unusually severe. (55.2.4.a)
 - d. Limited transportation as needed by the victim or witness for court proceedings, victim related appointments, or any other service deemed appropriate.
 - e. The victim advocate may assist victims with issues relating to the timely return of property held as evidence. (55.2.4.d)
 - f. Provide victims with information on available resources outside the criminal justice system and assist with the connection of these services. (55.2.3.a)
 - g. Scheduling line-ups, interviews, and other required appearances at the convenience of the victim or witness and at the option of the Police Department providing transportation if feasible. (55.2.4.c)
 - h. Provide victims/witnesses with information about the prosecution of their case and their role in that process. (55.2.4.b)

6. Record Keeping

- a. The victim advocate will complete the Victim Case Status Record for all victim and witnesses served, to include documenting all contacts made on the case and the services provided.
- b. As needed, other forms will be completed, such as those involved in placements.
- c. Follow-up contact will be established according to the needs of the victim and such contact will be logged on the Victim Case Status Record.

7. Equipment and Supply Maintenance

- a. The victim advocate and volunteers will ensure that the Victim Assistance Unit (VAU) vehicles are refueled with gasoline after completing a shift.
- b. Volunteers and employees will advise the CSO responsible for the police fleet of any repairs that are needed to the assigned VAU vehicle.
- c. Volunteers will alert the victim advocate of materials that need to be replenished.
- d. The victim advocate will ensure that adequate supplies are available on service calls.

8. Confidentiality (55.1.1.b)

- a. Victim advocates will hold communication with crime victims and witnesses confidential, except when related to compensation and restitution (ARS 13.4430).
- b. Records, notes, documents, correspondence, and reports that contain opinions, theories, or other information made while advising, counseling, or assisting the victim or witness will not be disclosed without the written consent from the victim or witness.
- c. Per ARS 13-4430, communication is not privileged if the victim advocate knows that the victim will give or has given perjured testimony or if the communication contains exculpatory material.

B. Victims' Rights (55.1.1.e, 55.2.3.a-d)

1. Police departments in Arizona have responsibilities under Arizona Revised Statutes (ARS) Title 13, Chapter 40, Crime Victims' Rights, and Title 8, Chapter 3, Article 7, Victims' Rights for Juvenile Offenses. Those responsibilities are:

- a. Upon the detection of a criminal offense, without interfering with an investigation or arrest, victims will be informed of their rights per the victims' rights statutes.
- C. Victims' Rights Forms (VRF) (55.1.1.e, 55.2.3.a-d)
 1. To provide victims/witnesses with information that allows them to request or waive their rights, case identifying information with contact telephone numbers for victims/witnesses to report additional information about a case or to receive information about the status of a case, provide a means for victims/witnesses to designate a lawful representative, and provide notice of specific information detailed in law. Additionally, to notify victims of arrest (including cite and release arrest and warrant arrest), initial appearance information, and to submit the VRF to other agencies as required by law.
 2. The form is distributed as follows:
 - a. White (Victim Copy) and tear-out booklet to the victim.
 - b. Green (Law Enforcement Copy) to stay with report for use in documenting subsequent notifications.
 - c. Pink (Custodial Copy) to be submitted to the custodial agency.
 - d. Purple (Prosecutor Copy) to be routed to the appropriate prosecutorial agency.
 - e. White (Notification Unit/Victim/Witness Copy) to be submitted to the Surprise Police Department Victim Assistance Unit.
 - f. For further instructions on the form distribution, refer to inside cover of the VRF.
 3. Compliance with the statutes will be according to the following procedure:
 - a. Employees will ascertain if the victim requests or waives their "upon request rights".
 - b. Employees will provide the victim(s), victim's representative or witness(s), as listed in our incident report (IR), with a copy of the VRF and booklet containing applicable information regarding counseling and medical services and emergency financial assistance. The VRF should be filled in with as much information as the employee has available at that time, and then given to the victim(s) and witness(s). This includes checking the appropriate case status: (55.2.3.a,c)
 - 1) Suspect Not In Custody
 - 2) Suspect Cited and Released/Referred
 - 3) Suspect in Custody-Adult
 - 4) Suspect in Custody-Juvenile

- c. If the victim is not available, the VRF may be left with a responsible adult at the victim's residence. If not, the victim advocate will mail the VRF.
 - d. If the victim is not available and if there is no known telephone, email, or mailing address, notification need not be made.
 - e. Employees will document their compliance with the mandates in their narrative in the incident report. The following issues will be addressed:
 - 1) Victims' Rights Form provided. If not, explain.
 - 2) "Upon Request" rights requested or waived.
 - 3) Number from top right corner of the VRF.
 - f. Employees will place the copy marked "Notification Unit/Victim Witness Copy" in the designated area or deliver it to the victim advocate for further assistance or mailing.
 - g. If the victim is a child, incapacitated, or deceased, a Victim Representative will be identified and will act on behalf of the victim in exercising the victims' rights.
 - 1) In the incident report the Victim Representative will be addressed.
 - 2) In the incident report list the reason the person is serving as the Victim Representative (e.g. "victim is a child") and tell the relationship between the victim and the Victim Representative.
 - h. Inform the victim or witness to notify the police if the suspect, suspect's associates or family threatens or otherwise intimidates the victim or witness. (55.2.3.b)
4. Notification on Cases Involving an Arrest or Criminal Citation (55.2.4.b, 55.2.5)
- a. These mandates apply where the victim is an individual and when the offense is a misdemeanor or felony.
 - b. The arresting or citing employee will inform the victim and may notify any witnesses in a timely manner of the current case status and explain the proceedings involved in. (55.2.4.b)
 - 1) Victims will be advised to look at the appropriate sections of their Victims' Rights Form for further information regarding their rights when an arrest has been made or a citation issued.
 - 2) On cases where an arrest was made, victims will also be directed to the section in the Victims' Rights pamphlet marked "When a Suspect Is Arrested" informing them how to get information about a defendant's release.

- 3) On cases where a citation is issued and an appearance date is set, the victim will be informed of the date and time the suspect is cited into court.
 - c. If another jurisdiction forwards a teletype or other message to Communications about an arrest on a City of Surprise warrant, and the suspect is not transferred to our custody, Communications will:
 - 1) Immediately forward the message to the Victim Assistance Unit for victim notification. The victim advocate will contact the victim and give notification of the arrest as soon as possible. Notifications will be made on the message indicating the date, time and ID# of the person making the notification. The message will be returned to the custodial agency by mail, email, or fax. The advocate making the notification will document the notification in the victim tracker software.
 - 2) If the victim advocate or volunteer is not available, Communications will assign a call for service to any on-duty officer who will contact the victim and give notification of the arrest as soon as possible. Notifications will be made on the message indicating the date, time and ID# of the person making the notification. The message will be returned to the custodial agency by mail or fax. The officer making the notification will complete a supplemental report documenting the contact.
 - d. The employee completing the VRF will ensure it is filled out completely and that all five (5) copies are legible and distributed appropriately.
 - e. Employees will also complete an incident report and any supplemental reports as necessary.
5. Coordination with Other Victim or Witness Service Providers (55.1.1.d)
- a. The victim advocate will facilitate case transfer and referral of crime victims and witness(s) to other victim service agencies that can assist the victim or witness in exercising their rights as their case progresses through the criminal justice system.
 - b. Primary agencies to which victims or witnesses will be transferred or referred include:

- 1) Maricopa County Attorney's Office Victim/Witness Division
- 2) Maricopa County Attorney's Office – Juvenile Division
- 3) Maricopa County Sheriff's Office/Victim Notification Unit
- 4) Maricopa County Juvenile Court/ Victim Rights Coordinator
- 5) Maricopa County Adult Probation
- 6) Arizona Department of Corrections
- 7) Attorney General's Office of Victim Services

6. Change of Victim Information

- a. Victims are required to maintain a current address, email, or phone number where they can be contacted. Failure on their part to do so constitutes a withdrawal of their request for notification.
- b. On cases involving citation, submittal, or arrest, employees receiving a change of address, email, or phone number from a victim will make the appropriate changes in the records management system and notify the appropriate prosecutorial agency.

D. Emergency Needs (55.2.3.a, 55.2.4.a)

1. The Victim Assistance Unit (VAU) may assist crime victims by providing for emergency needs, including but not limited to, food, shelter, personal safety items, clothing (only when clothing has been taken as forensic evidence), transportation, comfort items, and other basic needs.
2. Eligible emergency need expenditures can be reimbursed by VOCA.
3. All emergency need purchases shall receive prior approval of the CID lieutenant.
 - a. For purchases greater than \$250, division commander approval/signature shall be required.
4. Upon approval, the purchase shall be made using a City-issued Procurement or P-Card. This process shall be in accordance with the Procurement Card policy.
 - a. When the receipt(s) are submitted to the department finance specialist, please indicate "VOCA Reimbursement" in the Description/Purpose column of the P-Card Reconciliation form.

5. All emergency need purchases shall be logged in the Emergency Assistance Expenditure Logbook maintained in the Victim Assistance Unit (VAU).
6. The following information shall be included in the logbook:
 - a. Date of victim service/purchase
 - b. Name of vendor
 - c. Victim(s) initials and incident number (for confidentiality)
 - d. Amount of purchase
 - e. Explanation of emergency need/reason for purchase
 - f. Departmental report number (if available)
 - g. Account number to which expenditure should be charged

F. The following is a list of emergency needs that may be funded through VOCA to include specific requirements about each type of purchase:

1. Gas, meal, or grocery gift cards shall be purchased from a grocery store, convenience store, or gasoline establishment.
2. Transportation may be provided within reason such as bus tickets (local only).
3. Emergency shelter/hotel stays require prior approval from the CID lieutenant.
 - a. Hotels will only be authorized when all other safety options have been exhausted.
 - b. Hotel stays are intended to be short term (1– 2 nights) until other longer-term shelter/safety options are identified and arranged.
 - c. Nightly hotel stays will not exceed the current governmental rate for lodging accommodations, when possible.
 - d. The victim's initials, incident number, number of additional people staying in the hotel, and the number of nights provided will be documented in the logbook.
4. Home lock service (changing locks) and home safety enhancements may be provided to assist the victim when all other alternatives have been exhausted.
5. Emergency communication needs
 - a. Prepaid emergency cellular phones and prepaid cellular minute data cards may be provided to assist with emergency communication needs.

- 1) These may be employed to assist victims with connection to community resources, coordination with investigative, law enforcement, and prosecutorial agencies, and emergency safety concerns.
- 2) Explanation of the safety concern, communication necessity, and intended use of the phone and the communication item provided (phone or data card) shall be documented in the logbook.

b. Surprise PD may provide a cell phone with 911 capability only.

6. Personal hygiene items that were damaged or secured, during or after, a criminal victimization.
7. Victim clothing is only an eligible expense if the clothing was taken as forensic evidence.

VI. REEXAMINATION TO DETERMINE SUITABILITY – VOCA REQUIREMENT

A. Reexamination of Victim Assistance Unit (VAU) members is required for compliance with Victims of Crime Act (VOCA) grant-funded programs.

1. Before assignment to the Victim Assistance Unit (VAU), all members receive a complete background investigation including criminal history check/search (ACIC, NCIC, III), Public Sex Offender and Child Abuse Websites/Registries, and State and National Sex Offender Registries.
2. All Victim Assistance Unit (VAU) members must be reexamined every five (5) years to determine the member's suitability to interact with minors as part of a VOCA grant-funded program.
3. Reexaminations are conducted by a Department background investigator within six months of the need to determine suitability or upon learning of information that may reasonably suggest unsuitability of a member to interact with minors.
4. The reexamination will cover the 5-year period since the last examination, and include the following:
 - a. Criminal history check/search, including Arizona Crime Information Center (ACIC), National Crime Information Center (NCIC), Interstate Identification Index (III).
 - b. Check/search of Public Sex Offender and Child Abuse Websites/Registries, including State and National Sex Offender Registries.

5. Any VAU member may be deemed as unsuitable to interact with minors under the VOCA award if the member meets any of the following conditions:
- a. Withholds consent to a criminal history check/search.
 - b. Knowingly makes (or made) a false statement that affects, or is intended to affect, any check/search.
 - c. Is listed as a registered sex offender on the Dru Sjodin National Sex Offender Public Website.
 - d. Has been convicted, whether as a felony or misdemeanor, under federal, state, tribal, or local law of any of the following crimes (or any substantially equivalent criminal offense, regardless of the specific words by which it may be identified in law):
 - 1) Sexual or physical abuse, neglect, or endangerment of an individual under the age of 18 at the time of the offense;
 - 2) Rape/sexual assault, including conspiracy to commit rape/sexual assault;
 - 3) Sexual exploitation, such as through child pornography or sex trafficking;
 - 4) Kidnapping;
 - 5) Voyeurism.
 - e. Is determined by a federal, state, tribal, or local government agency not to be suitable.