

Columbus Police Division Directive	EFFECTIVE Aug. 30, 1998	NUMBER 3.79
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<b>Victim/Witness Assistance</b>		



Cross Reference:..... 3.15

## I. Introduction

### A. Summary of Victim and Witness Rights

1. The Ohio Constitution and the Ohio Revised Code delineate specific rights to victims and witnesses of crime.
2. Division employees have the responsibility to provide crime victims and witnesses with:
  - a. Information about their rights as a crime victim.
  - b. Current information about the criminal investigation.
  - c. Notification when the offender is arrested.
  - d. The reasonable return of property.
3. Additional rights afforded crime victims and witnesses are provided by other agencies within the criminal justice system. These include the right to:
  - a. Obtain information from and have meaningful discussions with the prosecutor.
  - b. Have meaningful participation during trial.
  - c. Make a statement at sentencing about the impact of the crime.
  - d. Participate in the criminal proceedings without jeopardizing employment status.
  - e. Receive notice if the offender escapes custody prior to trial or sentencing.
  - f. Receive specific information after sentencing.
  - g. Receive information and provide input about the defendant's incarceration and parole status.

## II. Policy Statements

### A. Victim/Witness Needs Assessment

1. The **Assault/Homicide** Section Lieutenant shall develop, coordinate, and administer victim/witness service programs that:
  - a. Govern the implementation and delivery of victim/witness assistance services by Division personnel.
  - b. Ensure the confidentiality of victims and witnesses and their role in case development to the extent consistent with law.

- c. Periodically inform the public through the news media, articles, brochures, or speaking engagements of actions which can be taken to minimize the risks of victimization and the availability of victim/witness services.
  - d. Maintain an ongoing channel of communication to offer and receive suggestions concerning how the Division can effectively work with outside sources to better serve crime victims, their families, and witnesses and to ensure that referrals to outside sources are based upon accurate and up-to-date knowledge of the services offered.
- B. Preliminary Investigation/Initial Contact With Crime Victim
1. Sworn personnel having initial contact with victims or families of victims of any felony offense or misdemeanor offenses of negligent homicide, vehicular homicide, assault, aggravated menacing, menacing by stalking, menacing, sexual imposition, domestic violence, intimidation of a crime victim or witness, shall:
    - a. Provide them with:
      - (1) The Ohio Attorney General publication, "Picking up the Pieces, Your Rights & Responsibilities as a Crime Victim;" and
      - (2) The Columbus City Attorney's publication, "A Guide to Protection Orders The Court and Community Resources."
    - b. Advise victims of the procedures to follow if they, a member of their family, or a witness are:
      - (1) Threatened or intimidated by the suspect.
      - (2) Threatened or intimidated by someone acting at the suspect's direction.
    - c. Provide the Incident Report number, if available, to the victim, the victim's family, and witnesses, as applicable.
    - d. Inform the victim, the victim's family, and/or witnesses of the steps involved in the processing of their case.
    - e. Provide the victim with the telephone number of the unit responsible for the follow-up investigation.
  2. **The appropriate Division personnel** shall mail the publications, "Picking up the Pieces, Your Rights and Responsibilities as a Crime Victim," and "A Guide to Protection Orders The Court and Community Resources," to crime victims prior to the end of the shift when:
    - a. Incident Reports of felony theft or vandalism are taken by the Telephone Reporting Unit; or
    - b. Requests for Incident Reports are received from out-of-town residents who were the victims of the crimes listed in Section II., B., 1.
  3. A "Firstlink" Directory shall be maintained in the police radio room and can be referenced regarding referral information about organizations that offer assistance to crime victims, their families, and witnesses on a 24-hour availability.

### C. Assistance During the Follow-up Investigation

1. If the impact of the crime has been unusually severe, the investigator shall attempt to determine whether all needs are being met. A victim advocate from the appropriate prosecutor's office should be contacted if the investigator determines a need for additional assistance for the crime victim, the victim's family, or a witness.
2. If it will not adversely affect prosecution, the investigator should further explain the procedures necessary in the successful prosecution of the case and the role of the victims, the victim's family, and witnesses in the process.
3. If possible, investigators shall schedule photo arrays, interviews, and other required appearances with consideration given for the convenience of the victim, the victim's family, and witnesses and shall assist in transportation arrangements to and from headquarters when necessary.
4. Except for contraband, disputed property, and weapons used in the course of a crime, physical property being held for evidence should promptly be returned to the victim upon the approval of the assigned case prosecutor.

### D. Assistance During Arrest and Post-Arrest Processing

1. As soon as practicable upon the arrest or notification of the arrest of a suspect for crimes specified in Section II., B., 1., the investigating personnel shall furnish the following to the crime victim, or the victim's family, and witnesses:
  - a. Notification of the arrest, to include the specific charges, case numbers, and the name of the defendant.
  - b. An explanation of bonding procedures.
  - c. The investigating personnel's business telephone number.
  - d. The custody status of the defendant, if requested.
2. If a suspect is arrested for any of the misdemeanor offenses listed in Section II., B., 1., Court Liaison personnel shall contact the victim, the victim's family, and witnesses and provide the above information.
3. The victim, and if applicable, the victim's family, and witnesses shall be referred to ***the appropriate prosecutor's office to obtain information about the current status of the case.***

### E. Threat Assessment and Victim/Witness Assistance

1. The Division shall provide appropriate assistance to a crime victim, the victim's family, or witnesses who have been threatened with violence or intimidation by a suspect or defendant. This assistance may range from verbal reassurance to arranging for protective custody.
2. The appropriate prosecutor's office shall be immediately notified by the investigative officer upon learning that a defendant has threatened violence or intimidation to a crime victim, the victim's family, or a witness.

## F. Notification of Next of Kin

1. Division personnel called upon to notify or assist in the notification of next of kin of seriously ill, injured, or deceased persons shall abide by the following:
  - a. Notification shall be made as soon as practicable.
  - b. Tact and sensitivity shall be used when making the notification.
  - c. Notification shall be made only to an adult.
  - d. Notification to the elderly or those in a questionable physical or mental condition should be done cautiously.
  - e. When applicable, notification within Franklin or a contiguous county should be made by the primary investigator.
2. Calls From Another Law Enforcement Agency
  - a. Prior to notification, the request shall be confirmed by teletype or fax on official letterhead.
  - b. The request must include the name, assignment, and phone number of the requesting officer. This information shall be provided to the next of kin.
  - c. Once the notification has been made, the requesting agency shall be notified.
3. Requesting Notification by Another Law Enforcement Agency
  - a. The request should be made to a supervisor of the other agency and confirmed by teletype or fax on Division letterhead.
  - b. As much information as is necessary and available without jeopardizing a criminal investigation shall be provided and shall include the requesting officer's name, assignment, business address, and telephone number.
  - c. Personnel shall request confirmation of the notification and to whom made.

## III. Procedures

### A. Victim/Witness Assessment Committee

1. No later than February 15<sup>th</sup> of every third year, obtain and review a current analysis of victim/witness assistance needs and available services compiled by the Victim/Witness Assistance Units of the City Prosecutor's Office, the Franklin County Prosecutor's Office, and the Crime Victims Services Section of the Ohio Attorney General's Office to include:
  - a. A comparative review of Division directives, policies, and procedures and current law regarding the rights of crime victims and witnesses.
  - b. An inventory of information and service needs of all crime victims and witnesses.
  - c. Victim assistance and related community services available within the Division's service area.

- d. Identification of unfulfilled needs.
- e. Availability of grants programs.
- 2. Upon completion of this analysis, submit a final report to the Accreditation Unit.
- B. Accreditation Unit
  - 1. Review the report for compliance with applicable CALEA standards.
  - 2. Forward the report to the **Assault/Homicide** Section Lieutenant.
- C. **Assault/Homicide** Section Lieutenant
  - Forward the report through the chain of command to the Chief of Police.
- D. Chief of Police
  - Determine which needs are appropriate for the Division to meet and cause the implementation of steps to meet those needs.