

ASHEVILLE POLICE DEPARTMENT POLICY MANUAL

Chapter: 18 - Special Programs

Original Issue: 12/1/1992

Policy: 1800 - Victim-Witness Assistance

Last Revision: 3/19/2020

Previously: 1160 - Victims Services



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INTRODUCTION

The purpose of this policy is to establish guidelines for providing information and assistance to victims and witnesses of crime. The department maintains a Victims Services Unit to provide a strong link between victims of a crime or tragedy and the police department, however, it is the responsibility of all department members to provide assistance when possible.

POLICY STATEMENT

It is the policy of the Asheville Police Department (APD) to treat victims and witnesses with fairness, compassion, and dignity. The department is committed to the development, implementation, and continuation of appropriate victim/witness assistance programs and activities.

DEFINITIONS

Victim: a person against whom there is probable cause to believe a crime has been committed.

Victim Advocate: a person authorized by the department to assist victims in specified ways. Such advocates may be sworn employees, non-sworn employees or citizen volunteers.

Witness: a person who by reason of having relevant information is subject to or is expected to be summoned to testify for the prosecution in a criminal action concerning a felony.

RULES AND PROCEDURES

1800.1 RIGHTS OF VICTIMS AND WITNESSES

- A. All victims and witnesses will be treated by department employees with compassion, fairness, dignity, and respect.
- B. To the extent reasonably possible, the department will make a reasonable effort to ensure that the rights of people victimized by crime and violence are upheld as provided by law ([N.C. Gen. Stat. § 15A-825](#)). A reasonable effort will be made to assure that each victim and witness of crime: [55.1.1 e]
 - 1. Is provided immediate medical assistance when needed and is not detained for an unreasonable length of time before having such assistance administered.
 - 2. Is provided information about available protection from intimidation and harm arising out of cooperation with law enforcement and prosecution efforts, and receives such protection. [55.2.2]
 - 3. Has any stolen or other personal property expeditiously returned when it is no longer needed as evidence and its return would not impede an investigator or prosecution of the case. [55.2.4 d]
 - 4. Is provided all required victim services information and referral to appropriate agencies for information on court proceedings and criminal justice processes. [55.2.3]

1800.2 VICTIM/WITNESS ASSISTANCE RESPONSIBILITIES

- A. Although the Victims Services Unit administers the department's victim/witness assistance program, it is the responsibility of *all* department members to refer victims and witnesses to available community resources **and provide** victim/witness assistance and notifications whenever appropriate. [55.1.1 a]
 - 1. In order to fulfill the department's role in victim/witness assistance, all department members should be aware of those services currently available from community resources and the department.
 - 2. All department members should be aware and sensitive to the particular issues and special needs that affect the victims and families of crimes such as domestic violence, child abuse, and sexual assault. Whenever applicable, referrals may be made to the Buncombe County Family Justice Center. [55.1.1 d]
- B. Department member's responsibilities for victim/witness assistance **may** include, but **are** not limited to:

1. Providing crime victims covered by the [NC Crime Victims' Rights Act](#) with the [AOC-CR-180B Crime Victims' Rights Act Victim Information Sheet](#) and submitting completed forms in accordance with established procedures ([N.C. Gen. Stat § 15A-831](#)).
 2. Providing victims and witnesses with information on obtaining applicable services (e.g., a referral to the department's [Victims Services Unit](#) or victim advocacy group). [55.2.3 a]
 3. Advising victims/witnesses about what to do if a suspect or a suspect's associates threaten or otherwise intimidate [them](#). [55.2.3 b]
 4. Providing victims of domestic violence with information on protective orders and other available local services, [see Policy 504 - Domestic Violence](#).
 5. Where applicable, providing victims with the case number and typical following steps in the processing of the case. [55.2.3 c]
 6. Providing victims/witnesses a number to call to report additional information or to receive information about the status of the case. [55.2.3 d]
 7. [Facilitating](#) the expeditious return of stolen or other personal property held by the department when it is no longer needed as evidence and its return would not impede an investigation or prosecution of the case. [55.2.4 d]
 8. Scheduling line-ups, interviews, or other required appearances so as to be at the convenience of the victim/witness. [55.2.4 c]
- C. Once notified of the arrest of a person believed to have committed a crime covered by the [NC Crime Victims' Rights Act](#) (see [Appendix](#)) where the department is the investigating agency, the department must make a reasonable effort to notify the victim of the arrest within 72 hours ([N.C. Gen. Stat § 15A-831\(b\)](#)). [55.2.5]
- D. Within 72 hours after the arrest of a person believed to have committed a crime covered by the [NC Crime Victims' Rights Act](#) (see [Appendix](#)) where APD is **not** the primary investigating agency, the department must inform the investigating law enforcement agency of the arrest ([N.C. Gen. Stat § 15A-831\(b\)](#)).

1800.3 VICTIMS SERVICES UNIT

- A. The department's Victims Services Coordinator is responsible for administering and coordinating the department's victim/witness assistance program and serves as the department's liaison with local and regional agencies and organizations that provide victim/witness assistance services. [55.1.3 d]

- B. The Victim Services Unit goals and objectives include:
1. Identifying victim and witness needs and services.
 2. Providing services to victims of crime.
 3. Forming and maintaining partnerships with community organizations. [55.1.1 d]
 4. Training and educating department and community members. [55.1.1 c]
- C. Victim Services Unit personnel may provide a wide range of victim's services, including, but not limited to:
1. Information on procedures for applying for and receiving any appropriate witness fees or victim compensation. [55.2.3 a]
 2. Employer intercession services.
 3. Information on the procedures involved in the prosecution of the case and the victim/witness's role in those procedures, if not an endangerment to the successful prosecution of the case. [55.2.4 b]
 4. Assignment of a victim advocate during the follow-up investigation, if available, to assist in re-contacting the victim/witness periodically to determine whether needs are being met if it is believed the impact of a crime on a victim/witness has been unusually severe. [55.2.4 a,e]
 5. Crisis intervention services.
 6. Referrals for obtaining assistance for emergency food, clothing, shelter, and transportation needs.
 7. Referrals for counseling, social service, legal, mental health services, and other community victim/witness services and victim advocates.
 8. Assistance and information for securing victim compensation benefits.
 9. Information regarding the status and assignment of the victim's case.
- D. The Victim Services Coordinator is available for call-out after-hours with approval from the Criminal Investigations Section Commander.
- E. Services provided by the Victims Services Unit that pertain to victims/witnesses are confidential to the extent consistent with applicable law. [55.1.1 b]

- F. Files maintained by the Victims Services Unit will be kept in a secured area and made available only to authorized personnel.
- G. At least every two (2) years, the department will conduct a review of victim/witness assistance needs and services provided by the department and community. In conjunction with this review, the Victim Services Coordinator should review and update the department's listing of available human service providers in Buncombe County. [55.1.2]

1800.4 NEXT OF KIN NOTIFICATIONS

- A. When it becomes necessary to notify a victim's next-of-kin for deceased, seriously injured, or seriously ill persons, officers will adhere to the following procedures: [55.2.6]
 - 1. Whenever possible, if the individual is/was receiving care at a medical facility, allow the appropriate medical personnel to make the notification.
 - 2. In situations where it is not possible or reasonable for medical personnel to make a next-of-kin notification, the highest-ranking officer or designee will make the notification. Whenever practical, a department chaplain, the Victims Services Unit, and/or a Trauma Intervention Program (TIP) member will be contacted to assist with the notification.
- B. Department personnel notifying a next-of-kin will make every reasonable attempt to do so in person and not by telephone. If the next-of-kin is not within the department's jurisdiction, the appropriate law enforcement agency within that jurisdiction will be contacted to attempt notification in person. [55.2.6]

BY ORDER OF:



David Zack
Chief of Police

APPENDIX

For the purposes of the NC Crime Victims Rights Act, a victim is defined as a person against whom there is probable cause to believe an **offense against the person or a felony property crime** has been committed. Specifically, these crimes are defined in N.C. Gen. Stat. § 15A-830 as the following:

A **felony property crime** is defined as an act constituting a felony violation of Subchapter IV or V of Chapter 14 of the NC General Statutes..

An **offense against the person** is defined as an offense against or involving the person of the victim which constitutes a violation of one of the following:

- **Subchapter III of Chapter 14 of the NC General Statutes**
Articles 6-13 cover crimes such as homicide, rape and other sexual offenses, assaults, parental abuse and neglect, hazing, kidnapping, human trafficking.
- **Subchapter VII of Chapter 14 of the NC General Statutes**
Articles 26-27 cover offenses against public morality, or sexual offenses
- **Article 39 of Chapter 14 of the General Statutes** - Protection of Minors
- **Chapter 20 of the General Statutes, if an element of the offense involves impairment of the defendant or injury or death to the victim.**
- **A valid protective order under G.S 50B-4.1, including, but not limited to, G.S. 14-134.3 (*domestic criminal trespass*) and 14-269.8 (*purchase or possession of firearms by a person subject to a domestic violence order*).**
- **Article 35 of Chapter 14 of the General Statutes, if the elements of the offense involve communicating a threat or stalking.**
Article 35 covers offenses against public peace. This includes statutes regarding the possession of weapons on campus or other educational property, disorderly conduct, impersonation of emergency personnel/law enforcement, communicating threats, stalking, etc.,
- **An offense that triggers the enumerated victims' rights, as required by the North Carolina Constitution. (Article I Sec. 37 - Rights of victims of crime)**
Victims are entitled to the enumerated rights when the crime or act of delinquency "is one against or involving the person of the victim or is equivalent to a felony property crime".