

## MONROE COUNTY SHERIFF'S OFFICE

<b>CHAPTER:</b> 53		<b>TITLE:</b> Victim / Witness Assistance	
<b>EFFECTIVE DATE:</b> December 22, 2008	<b>NO.:</b>	<b>NO. PAGES:</b> 5	<b>AMENDED:</b>
<b>REFERENCE:</b>		<b>RESCINDS:</b>	

**PURPOSE:** The Purpose of this policy is to establish guidelines and procedures for all employees in assisting victims and witnesses of crimes.

**POLICY:** It is the policy of the Sheriff to comply with the laws of the State of Florida governing victims and witnesses of crime, it shall be the policy of the Sheriff to inform all victims and witnesses of their rights as enumerated in Florida Statute. The victims and witness will be made aware of their rights by the use of a Victim/Witness Rights Brochure

**DEFINITIONS:**

**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 referred to as a "victim" is a victim's parent or guardian if the victim is a minor, and the next of kin of homicide victim.

**Witness** - A person, as determined by law enforcement, who has information or evidence relevant to a specific crime.

**PROCEDURE:**

Rights of Victims and Witnesses will be detailed in the Victim Rights Brochure (See appendix A)

Each officer shall be responsible for informing all victims of the availability of victim/witness services through the distribution of the Victim/Witness Rights Brochure.

The officer shall provide victims and witnesses with information on steps available to law enforcement and the State Attorney to protect the victims or witness from intimidation. The information will be

provided in the same manner as that relating to services of victims. The notification (contained in

the Victim/Witness Rights Brochure) will include the advisement that it is a felony to tamper with or threaten a witness, and that the Sheriff's Office should be promptly contacted if a possible violation has occurred.

It shall be the responsibility of the arresting or investigating officer to advise the victim that an offender has been arrested. It is also the responsibility of the arresting or investigating officer to complete a victim notification form on certain crimes. The notification will travel with the offender's paperwork to the booking facility for prompt notification by the facility upon release of the accused. The notification shall be made to the victim by the booking facility within four hours of the release of the accused. If such notice is not possible, the victim will receive notice via the U.S. Mail. Law enforcement officers of the Sheriff's Office will provide assistance as requested by other responsible agencies in attempting to notify the victim of the offender's release from confinement.

Property of crime victims shall be promptly returned unless there is a compelling law enforcement reason for not returning it. The evidence custodian shall promptly comply with court orders allowing photographs of the victim's property to be used as evidence at the trial and/or requiring the return of the victim's property. Members should consult with the State Attorney's Office before releasing any property.

When so requested, the Sheriff's Office shall assist victims and witnesses of crime in notifying employers and creditors of court appearances and financial hardship.

Sheriff's Office personnel are always ready to assist victims whenever possible. When so requested, employees will assist victims and witnesses in locating accessible parking and transportation, and will direct those persons to separate pretrial waiting areas where available. When necessary, employees will attempt to locate

translators in appropriate cases.

\*In the event of an escape, the correctional facility shall notify the State Attorney's Office of the escape and the State Attorney shall make effort to notify the victim or the victim's next of kin as well as the Sheriff and/or Chief of the affected jurisdiction(s). The Sheriff's Office shall render such assistance as requested by the State Attorney.

### **TRAINING AND EDUCATIONAL PROGRAMS**

So that all victims may be treated fairly, victim assistance education and training shall be offered to all employees taking courses at law enforcement training facilities or on an in-service basis. In addition, all members, and other employees as necessary, will be provided with the latest information pertaining to victim's rights and services available to them through the regularly scheduled in-service dealing with Human Diversity and Domestic Violence Awareness.

### **VICTIM ADVOCATES**

Victim Advocates will respond, if necessary, and responsibilities are as follows:

Victim Advocates are limited by the Victims of Crime Act (VOCA) Grant in what they can respond to. The grant allows them to respond to Victims and or Witnesses of a violent crime. The grant allows them to respond to the following:

- Child Physical Abuse
- Child Sexual Abuse
- DUI/DWI Crashes
- Domestic Violence
- Adult Sexual Assault
- Elder Abuse
- Adults Molested as Children
- Survivors of Homicide Victims
- Robbery
- Assault/Battery
- Other Violent Crimes

For many persons being a victim or witness to a crime is their first experience with the criminal justice system. A Victim Advocate is available 24 hours a day to assist victims with the emotional, physical, and financial trauma often resulting from a crime. You may contact a Victim Advocate the

next day for information and support if immediate assistance is not needed. A Victim Advocate can provide:

- Crisis Intervention Counseling
- Personal Advocacy Community Information and Referrals
- Emotional Support Coordination with Police Officers
- Court Accompaniment
- Follow Up Counseling
- Assistance With Property Return
- Assistance with Crimes Compensation
- Information on Your Role in the Justice System
- Assistance in Filing an Injunction for Protection
- Locating Transportation and Accessible Parking
- Attempt to Locate Translators as Needed
- If the impact of the crime on the victim/witness has been unusually severe and has triggered above-average victim/witness assistance, re-contacting the victim/witness to determine whether needs are being met.
- Notification of next-of-kin of deceased, seriously injured or seriously ill persons.

### **SERVICES DURING PRELIMINARY INVESTIGATIONS**

The case Deputy shall have available the following information and provide it to the victim/witness:

Any applicable services to the case at hand (i.e., counseling, medical attention, compensation programs, emergency financial assistance and/or victim advocacy)

Advise the victim what to do if the suspect or suspect's companions or family threatens or otherwise intimidates him or her

Provide the victim / witness with the case number and subsequent steps in the processing of the case

Each officer shall be responsible for informing all victims of the availability of victim/witness services through the distribution of the Victims/Witness Rights Brochure.

Provide the telephone number that the victim / witness may call to report additional information

about the case or to receive additional information about the status of the case

Services during the follow-up investigation - The investigating Deputy/detective will provide the following services:

If possible, scheduling line-ups, interviews, and other required appearances at the convenience of Ensure in getting the victim / witness in contact with the MCSO Victim's Advocate.

Services upon the arrest of a suspect - The Office will notify the victim / witness in writing, in person or by telephone of the arrest of a suspect in their case the custody status and charges.

In cases involving a violent attack on the victim or potential for such on a victim / witness every effort will be made to notify the victim / witness if any custody changes by phone or in person.

All attempts and contacts with the victim / witness will be documented in a supplemental report to the original case report.

Services for Office Personnel and Families - The Office will, in cases involving the line-of-duty death or serious injury to Office personnel;

Notify the family of the death or injured member in a timely, personal manner,

The Sector Commander or his designee shall be the single contact point for the Member and/or family. This person shall:

Assist the family at the hospital.

Coordinate support for the family at the funeral and burial,

Coordinate help for the family with legal and benefits matters, counseling the family regarding finances and other possible problems,

Provide support for the family during criminal proceedings (if any), and maintain long-term contact with the family and keeping the Office informed of needs relating to the death or injury.

the victim / witness and, when possible arrange or provide transportation.

When possible, return promptly victim / witness property taken as evidence (except for contraband, disputed property, and weapons used in the course of a crime), in accordance with all applicable State Statutes.

Records - Confidentiality of all records involving victim / witness assistance will be governed by applicable State Statutes.

Upon receipt of a Victim Notification Form from the arresting officer, the jail records assistant will verify for accuracy and enter Victim Notification Form into the victim data field of the booking computer screen.

The following procedures will be adhered to for notifying the victim(s):

Upon receipt of the court minutes, bond, inmate release, death of inmate, escape of inmate, etc., the jail records assistant will enter such change into the defendant data field. This change will prompt the VINE automated system to notify the victim via telephone.

The jail records supervisor shall, on a daily basis, print out all names and addresses of victims not notified via telephone. A letter will be sent to each of these victims informing them of the status of the inmate.

## RIGHTS OF VICTIMS AND WITNESSES

The following guidelines and rights of victims and witnesses of crimes are enumerated in the Victim Rights Brochure:

- The right of the victim to receive information on local community services to include counseling, shelter, legal assistance, or other types of help, depending on the particular circumstances. Telephone numbers of these services will be provided to the victims and witnesses as applicable.
- The right of the victim to receive information regarding the availability of crimes compensation, when applicable for victims or crimes or their relatives where the victim is deceased. Telephone numbers of these services are included in the Victims Rights Brochure.
- The right of the victim or witness to receive information regarding the victim's role within the criminal justice or juvenile justice system to include what the victim may expect from the system and what the system may expect from the victim.
- The right of the victim or witness to receive information regarding the stages of the criminal and juvenile justice process, which are significant to the victim or witness and the manner in which information about such stages, may be obtained.
- The right of the victim, who is not incarcerated, including the next of kin of a homicide victim, to be informed, present, and heard when relevant, at all crucial stages of a criminal or juvenile proceeding, to the extent that the right does not interfere with the constitutional rights of the accused.
- The right that victims and witnesses who are not incarcerated shall not be required to attend discovery depositions in any correctional facility.
- The right that a victim, or the next of kin of a victim may not be excluded from any portion of any hearing, trial or proceeding pertaining to the offense based solely on the fact that such person is subpoenaed to testify, unless, upon motion, the court determines such person's presence to be prejudicial.
- The right that incarcerated victims shall be informed of the crucial stages of the criminal and juvenile proceedings and be afforded the opportunity to submit written statements at all crucial stages of the proceedings.
- The right of a victim to a prompt and timely disposition of the case as long as it does not interfere with the constitutional rights of the accused.
- The right to be free from intimidation. It is against the law to cause a victim/witness to be placed in fear by force or threats, to make an assault on, or harm any victim/witness. It is a felony to tamper with or threaten a witness. If you are being threatened or intimidated, please contact the or any law enforcement officer.
- The right that each victim who has been scheduled to attend a criminal or juvenile justice proceeding shall be notified as soon as possible by the agency or person scheduling his appearance of any change in scheduling which will affect his appearance.
- The right to receive advance notification of judicial proceedings relating to the arrest and/or release (to include community control and work release) of the accused as well as the proceedings in the prosecution.
- In addition to the provisions FS 921.143, the rights of the victim of a felony involving physical or emotional injury or trauma, or in a case in which the victim is a minor child or in a homicide, the guardian or family of the victim shall be consulted by the state attorney in order to obtain the views of the victim or family about the disposition of any criminal or juvenile case brought about as a result of such crime, including the views of the victim or family about:

The release of the accused pending judicial proceedings.  
Plea Agreements.  
Participation in pretrial diversion programs.  
Sentencing of the accused.

- The right of the victim to a prompt return of property unless there is compelling law enforcement need to retain it.
- The right of the victim to receive the assistance the State Attorney and law enforcement in notifying the victim's employer and creditors in order to explain his circumstances.
- The right of the victim to request and receive restitution and the victim's rights of enforcement in the event an offender does not comply with the restitution order. The victim shall also have the right to be notified when restitution is ordered.
- The right of the victim to submit an oral or written impact statement pursuant to FS 921.143 and the right to receive assistance from the State Attorney in the preparation of such statement.
- The right of the victim to receive reasonable consideration and assistance from employees of the Sheriff's office, when requested, the victim will be assisted in locating accessible transportation and parking, and shall direct those persons to separate pretrial waiting areas when such facilities are available. When so requested, this office shall also assist the Court in attempting to locate translators.
- The right of the victim, material witness, parents or legal guardian of a minor who is a victim or witness, or immediate relative of a homicide victim to be notified of the escape of a criminal defendant. The State Attorney and law enforcement shall make every effort to ensure prompt notification.
- The right of the victim to have a victim advocate present during discovery deposition.
- The right of the victim to review certain portions of a pre-sentence investigation report for adult and youthful offenders prior to the sentencing of the accused.
- The victim and the State Attorney's Office with the consent of the victim, have standing to assert any legal rights of a crime victim as provided by law or The Florida Constitution.
- The right of the victim of a sexual offense to have the courtroom cleared, with certain exceptions, during his or her testimony, regardless of the victim's age or mental capacity.
- The right of the victim of domestic violence to be informed of the address confidentiality program administered through the Attorney General's Office.
- The right of a victim to know in certain cases and at the earliest possible opportunity, if the person charged with an offense has tested positive for human immunodeficiency virus (HIV) infection. In such cases, upon request of the victim or the victim's legal guardian, or of the parent or legal guardian of the victim if the victim is a minor, the court shall order such person to undergo HIV testing. In addition, in certain cases, if requested by the victim, the right of the victim to receive information on the results of the testing within two weeks of the court's receipt of such results.
- The right of a victim to request, for specific crimes, an exemption prohibiting the disclosure of information to the public which reveals the victim's home and work telephone numbers, home and work addresses, and personal assets not otherwise held confidential under the Public Records Law.
- The right to request, in certain circumstances that the offender be required to attend a different school than the victim or siblings.
- The statutory obligation to advise the victim or the next of kin of a homicide victim, that any information gained pursuant to FS Chapter 960, regarding any case handled in juvenile court, must not be revealed to any outside party, except as reasonably necessary in pursuit of legal remedies.
- The victim has the right to be notified by the appropriate agency of the arrest and release of the offender (including work release and community control).
- The right of a victim of a sexual offense to request the presence of a victim advocate during the forensic medical examination. An advocate from a certified rape crisis center shall be permitted to attend any forensic medical examination.
- No law enforcement officer, prosecuting attorney, or government official shall ask or require a victim of a sexual offense to submit to a polygraph examination or other truth-telling device as a condition of the investigation.