

CRIMINAL INVESTIGATIONS

VICTIM/WITNESS ASSISTANCE

Purpose: This directive establishes a victim/witness assistance program and includes procedures for the documentation and written notification by the North Little Rock Police Department to certain violent crime victims/witnesses in accordance with the Arkansas Victim Rights Law: (ACA 16-90-1101 to 1115).

Policy Statement: It is the policy of the North Little Rock Police Department to treat all people with respect, dignity, in fairness and equality, while thoroughly investigating crimes reported to this agency, and to provide violent crime victims/witnesses the assistance needed in accordance with the Arkansas Victim Rights Law.

Summary of Changes: New format.

Definitions:

ACA 16-90-1101 provides that rights be afforded to a victim who is a minor, a victim of a sex offense, or a victim of a felony offense resulting in physical injury or a felony offense involving the use of a deadly weapon, terroristic threatening in the first degree and stalking. [CALEA 55.1.1] In addition, the crime victim's rights form will also be distributed to victims of misdemeanor offenses resulting in physical injury in relation to domestic abuse.

Victim: (ACA 16-90-1101), a victim of a sex offense against a person who is a minor, and a victim of any violent crime, but does not include a person who is accountable for the crime or a crime arising from the same conduct, criminal episode, or plan, and does not include a government entity.

Violent Crime: (ACA 16-90-1101), any felony offense which results in physical injury to a victim, any felony offense involving the use of a deadly weapon, terroristic threatening in the first degree, and stalking.

Crime Victims' Rights Notification: A written notification to a victim of a violent crime of the victim's rights under ACA 16-90-1101.

Procedure:

1 Notification [CALEA 55.1.3a]

1.1 Any law enforcement agency responsible for investigating a crime described in ACA 16-90-1101 will provide in writing (*Crime Victims Rights Notification* form) the following information to the victim(s):

1.1.1 An explanation of victim's rights, [CALEA 55.1.1]

1.1.2 Information regarding assistance, [CALEA 55.2.3a]

1.1.3 Victim's reparation compensation, [CALEA 55.2.3a]

1.1.4 Access to public records regarding the case, [CALEA 55.2.3c]

1.1.5 The *Crime Victim's Rights Notification* form will be considered as a supplemental report to the original incident report, and

1.1.6 The reporting officer will give a copy of the notification form to the victim.

1.2 Law enforcement agencies must also provide, as soon as practical:

1.2.1 Relevant information regarding the suspect's identity,

1.2.2 Suspect's status, such as: on parole, a wanted person, or if he/she is incarcerated in a city or county jail, or in a state prison,

1.2.3 Case file number, [CALEA 55.2.3c]

1.2.4 Assigned investigator's name and telephone number(s), and, [CALEA 55.2.3d]

1.2.5 Assigned prosecutor's name and telephone number(s). [CALEA 55.2.3d]

1.3 This agency will provide the written notification to the victims of the following alleged crimes, or any attempt, solicitation, or conspiracy to commit these crimes:

1.3.1 Crimes against minors,

1.3.2 Sex offenses,

1.3.3 Felony offenses resulting in physical injury or involving the use of a deadly weapon,

1.3.4 Terroristic threatening in the first degree, or

1.3.5 Stalking.

1.4 No member of the North Little Rock Police Department will disclose to the public any information identifying or leading to the identification of the victim of a sex crime unless required by law, necessary for law enforcement purposes, or permitted by the court for good cause. [CALEA 55.1.3b]

- 1.4.1 The following information about the victim is prohibited from disclosure: (ACA 16-90-1104). [CALEA 55.1.3b]
 - 1.4.1.1 Residential address,
 - 1.4.1.2 Place of employment,
 - 1.4.1.3 Site of the crime, if such would identify the victim.
- 1.4.2 This Department will make information available to the media and to the public as requested regarding victim/witness assistance services provided by this agency. [CALEA 55.1.3c]
- 1.5 Patrol Division Responsibilities
 - 1.5.1 Patrol officers responding to the scene of a violent crime defined in the above statute will complete two copies of the **Crime Victim's Notification Report Form** (As attached). [CALEA 55.2.3a]
 - 1.5.2 One of the forms will be submitted with the original incident report as a supplement.
 - 1.5.3 The other form will be left with the victim of the violent crime.
 - 1.5.3.1 The patrol officer will ensure that the victim initials either above or beside his/her name, which should be written in the upper left portion of the victim's rights form.
 - 1.5.4 A patrol supervisor will ensure that the rights form is provided to the victim and that a copy of the form is submitted with the original incident report.
 - 1.5.5 When it is believed that the situation warrants the response of the Victim's Advocate, it will be the responsibility of the ranking patrol supervisor at the crime scene to make the request.
 - 1.5.5.1 During normal duty hours, the patrol supervisor should contact a detective supervisor. The detective supervisor contacted will be responsible for notifying the Victim's Advocate.
 - 1.5.5.2 If the request is made after the normal duty hours, the ranking supervisor at the scene will contact the on-call detective sergeant.
 - 1.5.5.2.1 The detective sergeant will be responsible for notifying the Victim's Advocate.
 - 1.5.6 The responding patrol officer will advise the victim(s) and witness(es) to contact the police department and file a report if the suspect, suspect's companions, or family threatens or otherwise attempts any intimidation. The investigator assigned to the case will review these reports. The investigator will take immediate action to provide assistance to victims or witnesses who have been threatened or who in their judgment express specific, credible reasons for fearing intimidation or further victimization. As soon as possible, the investigator will notify a supervisor of the actions taken. [CALEA 55.2.3b].
- 1.6 Investigations Division Responsibilities
 - 1.6.1 A detective sergeant will be responsible for promptly assigning reports that require any follow-up to an investigator.
 - 1.6.2 Investigators will promptly initiate contact with the victim in order to further investigate the crime.
 - 1.6.3 In cases where the crime has been unusually severe, the victim or witness will be contacted periodically to determine if appropriate needs are being met. [CALEA 55.2.4a].
 - 1.6.4 The investigator will be responsible for coordinating the release of all required information to the victim and witness (case number, subsequent steps in the processing of the case). [CALEA 55.2.3c]
 - 1.6.5 The investigator is responsible for keeping the Victim's Advocate informed of the status of the case, including any arrests made.
 - 1.6.6 The Victim's Advocate will be responsible for explaining to victims and witnesses the procedures involved in the prosecution of their cases, and their role in those procedures, if not an endangerment to the successful prosecution of the case. [CALEA 55.2.4b, 55.1.3b]
 - 1.6.7 Whenever possible, interviews, photo-line ups, or other required appearances will be scheduled at the convenience of the victim. [CALEA 55.2.4c]
 - 1.6.8 A detective sergeant will provide copies of these reports to the Victim's Advocate.
 - 1.6.8.1 When possible a Victim's Advocate will be assigned to these cases. [CALEA 55.2.4e]
 - 1.6.9 When property is no longer needed for evidentiary purposes; and it is not contraband or subject to forfeiture, the investigator will promptly notify the property officer in writing that the property may be released to the victim. The property officer is responsible for promptly notifying the victim the property may be released. [CALEA 55.2.4d]
 - 1.6.10 The North Little Rock Police Department Victim's Advocate will be responsible for the implementation and delivery of the victim/witness assistance services during the investigative stages and judicial proceedings, if any, in municipal court. If the case is to be adjudicated in circuit court, the Victim's Advocate will coordinate services with the Pulaski County Victim/Witness Assistance Office. [CALEA 55.1.3a,d]
 - 1.6.11 The Victim's Advocate is provided with a City owned vehicle to conduct the required duties of said position. Use and care of the vehicle shall be in accordance with Policy Directive 60-01, *Use and Care of Vehicles*. [CALEA 55.2.4c]

2 Victim/Witness Assistance

- 2.1 When possible, the assigned investigator will notify victims and witnesses of the suspect's arrest, charges, and custody status. These notifications should be made in a timely manner. [CALEA 55.2.5]
- 2.2 The Department's Victim's Advocate will review the victim/witness needs of the department at least once every three years. The review will include a review of victim/witness needs, which of those needs is appropriate for the department to meet, and what victim/witness services are already being provided in the area. [CALEA 55.1.2]

3 Notification of next of kin of deceased, seriously injured, or seriously ill persons [CALEA 55.2.6]

- 3.1 Within the jurisdiction of the North Little Rock Police Department:
 - 3.1.1 The Investigations Division will be responsible for notifications to next of kin of deceased, seriously injured or seriously ill persons for all cases or incidents they are investigating. The investigator may request a chaplain accompany him for the notification.
 - 3.1.2 The Patrol Division will be responsible for notifications to next of kin of deceased, seriously injured or seriously ill persons for all cases or incidents that are not being investigated by the Investigations Division. The officer may request a chaplain accompany him for the notification.
 - 3.1.3 Notification of next of kin in the case of serious illness will be at the discretion of the appropriate supervisor.
- 3.2 Outside the jurisdiction of the North Little Rock Police Department:
 - 3.2.1 When the next of kin resides outside the City, the law enforcement agency in the area of residence should be contacted by terminal message and requested to make the notification. The message will contain a contact name and number with the NLRPD as well as name and phone number of the next of kin.
 - 3.2.2 Notification requests from other agencies should include a terminal message requesting the notification and all required information for the notification, including a contact name and phone number at the requesting agency. An on-duty patrol supervisor will designate an officer to give notification. The officer may request a chaplain accompany him for the notification.
- 3.3 All notifications shall be carried out in a prompt, courteous, and considerate manner.

Mike Davis
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