A. Purpose

To establish guidelines for dealing with victims and witnesses of crime.

B. Policy

It is the policy of the Public Safety Department to provide reasonable, fair and compassionate assistance to victims and witnesses of crime. The department is committed to the development, implementation and maintenance of programs and activities which provide reasonable assistance to victims/witnesses.

C. Procedure

1. Rights of Victims and Witnesses

Under the SC. Code of Laws, Section 16-3-1530, the following rights are granted to victims and witnesses:

a. Victims and witnesses have a right to be treated with dignity and compassion;

b. Victims and witnesses have a right to protection from intimidation and harm;

c. Victims and witnesses have a right to be informed concerning the criminal justice process;
d. Victims and witnesses have a right to reparations;

e. Victims and witnesses have a right to preservation of property and employment;

f. Victims and witnesses have a right to due process in criminal court proceedings; and

g. Victims and witnesses, who are very young, elderly, handicapped, or who have special needs, have a right to special recognition and attention by all criminal justice, medical, and social service agencies. (CALEA 55.1.1)

2. Duties of Victim/Witness Advocate

a. It shall be the responsibility of the Victim/Witness Advocate to implement programs, as needed, designed to assist victims and witnesses and to coordinate the delivery of those programs to the Medical University community. The Victim/Witness Coordinator will also inform officers of their duties concerning first response contact with victims and witnesses. (CALEA 55.1.3. a)

b. The Victim/Witness Advocate will ensure the confidentiality of victims and witnesses, and their development as deemed appropriate in any given case. The confidentiality of victims and witnesses, and their role in case development, will be maintained by all department personnel in accordance with state law. Any information concerning victims or witnesses, other than the basic information listed on incident reports, can only be released after prior approval of the Director, Victim/Witness Advocate, or designee of the Director. Other employees of the department are expressly prohibited from releasing such information without approval. (CALEA 55.1.3. b)

c. The Victim/Witness Advocate will, through distribution of literature, pamphlets and crime awareness materials, inform the community of victim/witness services available from the department. (CALEA 51.1.3. c)

d. The Victim/Witness Advocate will be responsible for maintaining a positive working relationship between the department and other organizations and agencies which provide services to victims and witnesses. This may include organizations such as the Housing and Residential Services, and community organizations such as the Rape Crisis Network. (CALEA 55.1.3.d).

e. The Victim/Witness Advocate, or designee, shall be available 24 hours each day to provide for the proper handling of victim/witness assistance.
3. Analysis of Victim/Witness Needs and Services (CALEA 55.1.2)
   a. At least every three years, the Victim/Witness Advocate will conduct an
      analysis of victim/witness assistance needs and available services within
      the department's service area. In order to facilitate this analysis, the following
      tasks will be performed:

      1) Review annual crime reports in order to identify the major types of
         victimization occurring in the department's service area. This may
         indicate if additional assistance and programs are necessary for
         potential victims of crimes which are determined to be more
         common than others.

      2) Determine and list services and information currently available for
         victims and witnesses. This list will include services and
         information for: homicide/suicide survivors; domestic violence,
         abuse and neglect victims; victims/witnesses of sex crimes; and
         victims of felony DUI cases.

      4) Identify Victim/Witness needs that remain unfulfilled.

      5) Identify those victim/witness assistance needs which are better
         handled by the department. This includes those services which are
         best handled by officers during their initial response to an incident.

   b. A short report containing conclusions drawn from the analysis of the above
      listed bullets will be completed by the Victim/Witness Advocate. The
      results of the analysis should allow for the compilation of a list of services
      which the department can provide without duplicating the services provided
      by other service or community organizations.

4. Preliminary Investigation and Initial Contact
   a. The responding officer will provide emergency first aid and summon
      emergency medical assistance, as needed;

   b. He/she will defuse any potentially dangerous situations, interview the
      victim/witness to identify serious needs, and provide comfort and
      assurance to the victim/witness. At this time, the shift supervisor will
      determine if the Victim/Witness Advocate should respond to the scene;

   c. The officer will provide the victim/witness with information, to include the
      following:
1) the incident case number, if any;

2) the responding officer’s name;

3) the subsequent steps in the processing of the case; and

4) the 24-hour emergency and non-emergency numbers of the communications center to report any additional information or to receive information about the status of the case; (CALEA 55.2.1.a and b, 55.2.3.c and d, 81.2.7)

d. The officer will advise the victim/witness to notify the emergency contact number if the suspect, suspect's companions or family members threaten or otherwise intimidate him/her. (CALEA 55.2.3.b)

e. The communications center will serve as the 24 hour single point of contact for victims and witnesses. The communications center will maintain a listing of organizations that offer assistance to victims and witnesses in the Medical University and surrounding area. Referral information will include, but not be limited to, the following: (CALEA 81.2.7)

1) medical services;

2) counseling services;

3) emergency financial assistance; and

4) religious services. (CALEA 55.2.1.b)

If this information is needed at the scene, the responding officer or Victim/Witness Advocate will relay this information to the victim or witness. (CALEA 55.2.3.a)

5. Protection of Victims/Witnesses (CALEA 55.2.2)

a. In the event that a victim or witness is threatened, officers will attempt to determine the seriousness of the threat or perceived threat. The officer will provide or request appropriate assistance for the victim/witness, as necessary, based on the nature of the case and available services. The Victim/Witness should be notified in all cases. Action taken may range from providing assurance to the victim or witness to initiating physical protection.
b. Exceptional protective measures of victims/witnesses by the department may be necessary when there exists a real and substantial danger of physical harm or emotional distress. The level of danger of physical harm or emotional distress which will require initiation of exceptional protective measures will be determined by the on-duty supervisor and the Patrol Commander. The on-duty supervisor will notify the Patrol Commander when such measures are considered. The Patrol Commander will notify the Director and provide information concerning the situation and request authorization for exceptional protective measures. The department may utilize outside resources in the provision of exceptional protective measures as applicable. Exceptional protective measures may include:

1) Use of on-duty Public Safety Officers to provide surveillance of the residence of victims/witnesses (only when other alternatives are not available);

2) Persuasion of a victim or witness to relocate to a relative's home or hotel until a court injunction is filed or an arrest is made;

3) Provision of police escorts and/or ensuring the safe transport of victims/witnesses to court and other phases of the criminal justice process where there is the potential for contact between the individual responsible for threats or intimidation and the victim/witness;

4) Protective custody of a material witness to a homicide or other serious felony, when there is a likelihood that there will be violence against the witness. (This alternative will not be employed without the expressed approval of the Director and the appropriate Solicitor's office); and/or

5) Provision of a police radio to a victim or witness with instructions for operation in the event that it must be used to call for emergency assistance.

c. If an officer is made aware of potential physical danger to a victim/witness who resides in another agency's service area, the officer will contact the appropriate agency and advise its personnel of the circumstances of the incident and nature of the threat. The department employee will document the name of the agency contacted, personnel spoken to, and the information regarding the situation. The information will be documented in a written statement to be submitted to his/her supervisor.
6. Victim/Witness Services to be Provided During Follow-up Investigations

a. The Victim/Witness Advocate will provide the following services to victims and witnesses of crimes:

1) Re-contact the victim/witness by telephone or in writing within 10 days to determine whether needs are being met and if any additional assistance is required. This will be done for those incidents in which the impact of the crime has been judged as severe by the Victim/Witness Advocate. (CALEA 55.2.4.a)

2) instruct the victim/witness in the procedures involved in the prosecution of the case and explain his/her role in the criminal justice process. This will be done unless it would endanger the successful prosecution of the case. (CALEA 55.2.4.b)

3) The Victim/Witness Advocate will serve as the victim/witness advocate during follow-up investigation. (CALEA 55.2.4.e)

b. The investigating officer will be responsible for providing the following services, when applicable:

1) Schedule line-ups, interviews, and other required appearances with the victim or witness. Consideration will be given to the victim/witness concerning scheduling problems when possible. Transportation may be provided to victims/witnesses when it is feasible. (CALEA 55.2.4.c)

2) Coordinate with the evidence custodian to, when appropriate and permitted by law, return property which has been taken into evidence upon the conclusion of a case. Contraband, disputed property, and weapons used in the commission of a crime will be exempt from this procedure. (CALEA 55.2.4.d)

3) Notify the Victim/Witness Advocate in all cases involving victims/witnesses of murder, serious assault and battery, criminal sexual conduct, robbery, and other life threatening crimes against persons.

7. Services Provided After Arrest of a Suspect

When feasible, the investigating officer will notify the victims/witnesses of a suspect’s arrest, the status of charges which have been filed against the arrestee and the arrestee’s custody status. Certain situations may prohibit timely
notification of victims/witnesses depending upon the nature and circumstances surrounding the arrest. (CALEA 55.2.5)

8. Line-of Duty Deaths or Serious Injuries (CALEA 22.2.4)

In the event that an employee is killed or seriously injured in the line-of-duty, department personnel will provide the most appropriate assistance. The Director, or designee, will coordinate all assistance and services with the family.

a. The Director, or designee, will provide for timely and compassionate notification of the spouse, parents or next of kin. Notification will be made in person whenever possible.

b. The department will offer assistance to the employee’s family at the hospital.

c. All employees will support the family of a deceased employee during the funeral and burial of the employee, as appropriate. All available employees will attend and participate in active or honorary roles, if requested. The department will honor all requests of the family as deemed appropriate by the Director.

d. The Victim/Witness Advocate will provide assistance with benefits including those provided for an officer who is killed in the line of duty. Such assistance may be provided through a referral to the Medical University's Benefits Office and/or Employee Assistance Program. The Victim/Witness Advocate may also offer referrals to counseling for finances or other potential crises.

e. The Director's designee will support the family during any criminal proceedings, if any. This may include attending court proceedings with the family, explanation of the process, meetings with the Solicitor's office, or other actions as deemed appropriate by the Director.

f. The Victim/Witness Advocate will maintain long-term contact with the family and actively seek to stay informed of their continuing needs.

9. Seriously Injured or Deceased Persons / Notification (CALEA 55.2.6)

a. Whenever notification of citizens must be made concerning a death, serious injury, serious illness, or other situation likely to produce shock in the citizen, the notification will be made in person and not by telephone. The on-duty supervisor will make a reasonable effort to check the validity of the
information before making the notification. If the person is not located in the department's immediate service area, a message will be sent to the law enforcement agency in whose jurisdiction the citizen is located and that agency will be requested to make the notification in person and to notify the department on-duty supervisor when notification has been made.

An exception to this policy will be granted concerning deaths of students of the Medical University. When notification must be made after the death of a student, all relevant information will be provided to the Medical University of South Carolina, Dean of Student Life's Office. Upon receipt of the information, the Division of Student Affairs will contact the family or next of kin of the deceased.

b. Only officers of the rank of sergeant or higher shall make notifications to the next of kin of deceased, seriously injured or seriously ill individuals. Officers who make such notifications will be compassionate and pay close attention to the responses of the citizen. Whenever possible, a family member, friend, or neighbor should be contacted to console the person after the notification has been made. Officers will be permitted to stay with a person notified of a death or other tragedy until an acquaintance is present, if the situation necessitates such action.