

TITLE: VICTIM/WITNESS ASSISTANCE

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PURPOSE

The purpose of the State of New Mexico Crime Victims' and Witnesses' Bill of Rights Act is to assure that the full impact of a crime is brought to the attention of the court and that victims and witnesses to crime are treated with dignity, respect, and sensitivity at all stages of the criminal justice process and are protected by law enforcement agencies, prosecutors, and judges as vigorously as are criminal defendants.

DISCUSSION

New Mexico State Statutes, ARTICLE 26 31-26-1 through 31-26-14 outlines the rights of victims and witnesses of crimes. In order to further these objectives a program has been established that assists victims and witnesses with referral to the appropriate community service agencies and aids them, when possible, to attain a state equivalent to that prior to the offense.

POLICY

It is the policy of the Santa Fe Police Department to assist victims and witnesses of any crime, incident, or situation in a professional and courteous manner. The initial contact of an investigation is very important. The amount of cooperation the Department receives depends on the manner in which that contact is made. Without citizen cooperation, any investigation and subsequent prosecution can be very difficult.

PROCEDURE**ANALYSIS**

79.1.01 Reliance on victims/witnesses is an essential part of a law enforcement function that helps to hold the criminal element accountable for their actions. The first officer on the scene is viewed as the initial source of protection for victims. The manner in which the victim is treated at the time of initial and subsequent contacts not only effects the victim's ability to cope with the crime; it can determine willingness in assisting in the prosecution.

- A.** The Investigating Officer or Detective will act as the intermediary between the Department and other criminal justice agencies, organizations, and groups that are concerned with victim/witness needs and rights.
- B.** The Santa Fe Police Department utilizes the current analysis of the Office of the District Attorney to determine the needs and available services of the Department's service area. The analysis is updated annually. The analysis determines:
 1. The major types and extent of victimization.
 2. Victim assistance and related community services available within the service area.
 3. That all needs that have been identified are currently being served.
 4. An inventory of information and service needs of victims/witnesses in general (including the survivors of homicide victims) and special victims, such as those victimized by domestic violence, abuse, and neglect (especially children and the elderly), sexual crimes, and drunken drivers.
- C.** This directive is designed to ensure that victims and other witnesses receive professional handling consistent with their important role in the prosecution of the offender.

1. The District Attorney's analysis will determine the implementation of procedures and policies to govern the method of service to the victim/witness by all personnel.
 2. All records and files of victims/witnesses and their role in case development will be kept confidential to the extent consistent with applicable laws.
 3. The Police Crime Prevention Unit will be responsible for periodically informing the public and media about the Victim/Witness Program and available services.
 4. This will be accomplished by a news release issued on a semi-annual basis. The news release will be distributed according to procedures established for public information. A sample news release that may be used as a guide is:
 - a. "The Santa Fe Police Department is committed to assisting the victims of crimes. The Department's Victim/Witness Program was created to assist with problems that may be encountered as a result of victimization and to answer any questions that may arise concerning the victim's case. For further information contact the Santa Fe Police Department."
- D.** The Santa Fe Police Department Liaison Officer will maintain contact with other agencies concerned with victim/witness needs and rights in order to:
1. Ensure that agency referrals of victims/witnesses to outside sources are based on accurate and up to date knowledge of services offered by those sources.
 2. Maintain an ongoing communication by which to offer and receive suggestions about how the Department and outside sources can more effectively work together in order to better serve victims/witnesses.
- E.** The Training and Recruiting Unit and Field Training Officers (FTO) are responsible for educating all newly hired non-sworn employees about existing agency and community victim/witness assistance programs that serve the public as well as agency personnel. Subsequent training will be held at a minimum of once every year or as changes require.
- F.** The Training and Recruiting Unit is responsible for educating all sworn personnel in the rights and needs of victims/witnesses and the role of law enforcement in meeting those rights and needs in the course of recruit training and field training. Employees directly involved in victim/witness assistance efforts will go through a training process following the analysis from the office of the District Attorney.

OPERATIONS

79.1.02 The Communication Section, available 24 hours daily for service, referral, and emergency calls, will be the single point of contact for victim/witness assistance supplied directly by the Department. Non-service and non-emergency calls during regular business hours (Monday through Friday, 8:00 a.m. To 5:00 p.m.) will be forwarded to the liaison officer.

- A. When requested by a caller (victim/witness) and depending on the nature of the call, an officer may be dispatched or the caller may be referred to an appropriate agency.
- B. Referral information is available 24 hours daily from the Communication Section regarding services offered in the Department's jurisdiction by other governmental and private organizations for victims/witnesses in need of medical attention, counseling, and emergency financial assistance.
- C. The resource manual located in the Communications Center will be referred to when giving information on available services to a victim/witness.

79.1.03 Appropriate assistance will be provided to victims/witnesses who have been threatened or who, in the judgement of the Department, express specific, credible reasons for fearing intimidation or further victimization.

- A. Appropriate assistance may range from placing a victim in protective custody (such as might be offered by the Department or the District Attorney's office). When physical protection is a consideration, and the victim is not physically present within the Department's jurisdiction we will consider returning him/her to a safe location in our jurisdiction or contact the appropriate agency as outlined in the next paragraph.
- B. If the Department becomes aware of a danger to a victim/witness, a prompt attempt will be made to contact and alert the victim/witness. When the victim is in another jurisdiction, the Department will contact the appropriate agency and inform it of the situation and request that reasonable precautions are taken.
- C. As necessary, Officers will petition for emergency protection orders.
- D. Special needs will be determined on a case-by-case basis.

79.1.04 Officers responding to calls shall do the following:

- A. When applicable advise victims/witnesses of services available within the scope of their request. This will include, but is not limited to:
 1. Counseling services.
 2. Medical facilities and services.
 3. Compensation programs.
 4. Emergency programs.
 5. Victim advocacy.
 6. Provision of transportation to safe places and medical facilities.
 7. Legal Services.

- B. Advise the victim/witness of the procedures that must be followed if threatened or intimidated by suspects, or the suspect's companions, or family.
- C. Inform victims/witnesses of the case number, the steps that will be taken once the case is completed, and any and all subsequent steps that will be taken in the processing of the case.
- D. Provide a Department business card with a telephone number so the victim/witness may report additional information about the case or to receive information about the status of the case.

79.1.05 Victim/Witness assistance services to be provided during the follow-up investigation will include at a minimum:

- A. If the impact of a crime on a victim/witness has been unusually severe, and has triggered above-average victim/witness assistance, the investigating officer or detective will re-contact the victim/witness within 10 days of initiating the follow-up investigation.
- B. If not an endangerment to the successful prosecution of the case, explaining to the victim/witness the procedures involved in the prosecution of their cases and their role in those procedures.
- C. If feasible, scheduling line-ups, interviews, and other required appearances at the convenience of the victim/witness and, providing transportation to said appearances.
- D. If feasible, promptly returning victim/witness property taken as evidence (except for contraband, disputed property, and weapons used in the course of the crime), where permitted by law or rules of evidence.
- E. If feasible, the District Attorney's Office will assign a victim advocate to the victim/witness during the follow-up investigation.

79.1.06 If possible, the victim/witness will be notified by the follow-up investigator if the suspect is arrested, the charges, the custody status, and any

subsequent changes. A reasonable effort will be made to assure that notifications are made in a timely manner.

79.1.07 All victim/witness assistance will be available to Department personnel and their families following line-of-duty deaths or serious injuries. Appropriate services provided by the Department include:

- A. Notifying the family of the dead or injured officer in a timely, personal manner.
- B. Assisting the family at the hospital.
- C. Supporting the family at the funeral and burial.
- D. Helping the family with legal and benefits matters.
- E. Counseling the family regarding finances and other possible problems.
- F. Supporting the family during criminal proceedings (if any).
- G. Maintaining long term contact with the family and keeping informed of their needs.

79.1.08 In addition to services provided by local agencies, benefits are available from the Public Safety Officers Benefit Act, the Crime Control Act of 1990, and the Office of Worker's Compensation Programs - U.S. Department of Labor to eligible survivors of police officers killed in the line of duty and officers that become permanently and totally disabled as the direct result of a catastrophic personal injury sustained in the line of duty.

- A. An important eligibility requirement of the PSOB Act is that a postmortem examination and a proper blood gas test be performed. The Office of the Medical Investigator must be made ware of the particular requirements of the PSOB Act and the necessary tests to be performed.
- B. The Department of Justice should be contacted as soon as possible following an incident for notification and to obtain additional assistance.

Contact the Public Safety Officer's Benefit Program, Bureau of Justice Assistance, Washington, D.C. 20531, 202-307-0635.

SUMMARY

79.1.09 It shall be the overall goal of the Department to assist victims of a crime and their families, to return to the level of normalcy enjoyed prior to the offense and to ensure compliance with New Mexico State Statutes 31-26-1t thru 31-26-14 in Victim/Witness situations.

79.1.10 All cases where a referral has been made to the Santa Fe District Attorney's Office Victim/Witness Assistance Program shall be documented by the investigating officer/detective in the case report. Records shall be maintained in accordance with state statutes and Department policies.

Drafted (awm) 03/003

APPROVED: _____

BEVERLY K. LENNEN
Chief of Police

DATE: 07-23-04