

	Greenville, SC Police Department GENERAL ORDER		
	Subject Victim/ Witness Assistance	Number 173A5	Type Administrative
Effective Date May 3, 2019	Amends/ Rescinds 173A4	Pages 1 of 13	Re-evaluation Annual-August
References CALEA 55.1.1; 55.1.2; 55.1.3; 55.2.1; 55.2.2; 55.2.3; 55.2.4; 55.2.5			Notes

1.0 POLICY

In accordance with the South Carolina Constitution Article 1 Section 24 as amended, the Greenville Police Department will strive to preserve and protect victims/witnesses' rights to justice and due process regardless of race, sex, age, religion, or economic status, victims of crime have the right to:

- Be treated with fairness, respect, and dignity, and to be free from intimidation, harassment, or abuse, throughout the criminal and juvenile justice process, and informed of the victim's constitutional rights, provided by statute;
- Be ensured that all personal and investigative information is kept strictly confidential;
- Be reasonably informed when the accused or convicted person is arrested, released from custody, or has escaped;
- Be informed of and present at any criminal proceedings which are dispositive of the charges where the defendant has the right to be present;
- Be reasonably informed of and be allowed to submit either a written or oral statement at all hearings affecting bond or bail;
- Be heard at any proceeding involving a post-arrest release decision, a plea, or sentencing;
- Be reasonably protected from the accused or persons acting on his behalf throughout the criminal justice process;
- Confer with the prosecution, after the crime against the victim has been charged, before the trial or before any disposition and informed of the disposition;
- Have reasonable access after the conclusion of the criminal investigation to all documents relating to the crime against the victim before trial;

- Receive prompt and full restitution from the person or persons convicted of the criminal conduct that caused the victim's loss or injury including both adult and juvenile offenders;
- Be informed of any proceeding when any post-conviction action is being considered, and be present at any post-conviction hearing involving a post-conviction release decision;
- A reasonable disposition and prompt and final conclusion of the case;
- Have all rules governing criminal procedure and the admissibility of evidence in all criminal proceedings protect victims' rights and have these rules subject to amendment or repeal by the legislature to ensure protection of these rights.

2.0 DEFINITIONS

Victim: The South Carolina Code of Laws Title 16, Chapter 3, Article 15 defines "victim" as a person who suffers direct or threatened physical, psychological, or financial harm as the result of the commission or attempted commission of a criminal offense, as defined below. "Victim" also includes the person's spouse, parent, child or the lawful representative of a victim who is:

- Deceased;
- A minor;
- Incompetent; or
- Physically or psychologically incapacitated.

Note: For purposes of this policy the term "victim" and "victim/witness" are interchangeable.

"Victim" does not include any individual who is the subject of an investigation for, who is charged with, or who has been convicted of or pled guilty or nolo contendere to the offense in question. "Victim" also does not include any individual, including a spouse, parent, child, or lawful representative, who is acting on behalf of the suspect, juvenile offender or defendant unless his actions are required by law. "Victim" also does not include any individual who was imprisoned or engaged in an illegal act at the time of the offense.

Criminal Offense: An offense against the person of an individual when physical or psychological harm occurs, or the property of an individual when the value of the property stolen or destroyed, or the cost of the damage to the property is in excess of one thousand dollars. This includes both common law and statutory offenses and the common law offense of attempt. However, "criminal offense"



specifically excludes the drawing or uttering of a fraudulent check or an offense contained in Title 56 that does not involve personal injury or death. Victims of any misdemeanor or felony under state law must be notified of, or provided with, the information required by this section.

3.0 ORGANIZATION

- 3.1 The Victim Services Unit will be a component of the Investigations Division. The staff will consist of at least one employee assigned to full-time duties as Crime Victim Advocate and who will answer directly to the designated supervisor assigned by the Investigations Division Commander.
- 3.2 The Victim Services Unit of the Greenville Police Department will serve all victims of crime who are protected by the Victim's Bill of Rights and defined by state law and any other deemed necessary by the department.
- 3.3 All Crime Victim / Witness Advocates shall be State Certified and follow the established SC certification and continuing education requirements for victim services providers under the direction of the Office of Victim Services Education and Certification within the Office of the Crime Victims' Ombudsman as specified under Article 14, Section 16-3-1400.
- 3.4 The Crime Victim Advocate is responsible for training of all volunteer personnel for this program and keeping them informed of upcoming training. The Crime Victim Advocate is also responsible of ensuring that all volunteer personnel are kept updated in any change of laws related to victims of crime.
- 3.5 The Greenville Police Department will maintain the Victim Services Unit to provide timely support and assistance to crime victims when needed to support their emotional and physical recovery. This program will render aid and support to victims as they continue through the criminal justice system.

4.0 RESPONSIBILITIES

Victim Services responsibilities are divided into three inter-related categories which are:

1. Services provided to victims and witnesses of crime
2. Services provided to the Police Department
3. Services provided to the community and other public agencies



4.1 RESPONSIBILITIES TO CRIME VICTIMS & WITNESSES

4.1.1 Duties and Responsibilities Required By Law under Act 141

- Refer victims to appropriate service agencies/providers
- Ensure victims legal rights are protected
- Advise victims of case status and progress, maintain contact with and provide support to victims and/or family members throughout the criminal justice process as needed
- Provide applications and information to victims concerning South Carolina Crime Victims Compensation; explain purpose, procedures, and policies, and assist in completion of forms
- Upon request, may intervene on behalf of victims with creditors, employers, etc

4.1.2 Information regarding the Victim Services Unit provided by the Greenville Police Department is available 24 hours per day through the Police Communications Section. The Crime Victim Advocate will provide a monthly calendar of on-call victim services personnel to communications.

4.1.3 The Crime Victim Advocate will provide information on services provided by the Victim Services Unit and referral information regarding services by other organizations, both governmental and private, for victim/witnesses in need of medical attention, counseling and emergency financial assistance to Communications should such a query be received by them.

4.1.4 During the preliminary investigation it will be the responsibility of the responding and/or reporting officers to see that each victim/witness of a crime is provided a *Victim Notification Form*. If no victim notification form is provided to the victim/witness at the time of the crime it's the responsibility of the Victim Advocate to inquire about the victim notification form and make sure that one is provided to the victim/witness. The *Victim Notification Form* describes:



- Describes the constitutional rights the State grants victims in criminal cases;
 - Describes the responsibilities of victims in exercising these rights;
 - Lists contact information for the Victim Services Unit, and other local victim assistance and social service providers;
 - Provides information on eligibility and application for victim's compensation benefits; and
 - Provides information about the rights of victims and witnesses who are harassed or threatened.
- 4.1.5 When reports are taken by telephone and the *offense is applicable according to South Carolina law*, the victim will be advised they are eligible for victim services and that they will be receiving a copy of the Victim Notification form with information about Victim Services from the follow-up officer or the detective assigned to their case.

4.1.6 Victim Notification Form Distribution:

In order to keep victims informed of pending hearings and release of prisoners charged with violent and property crimes, and in accordance with the South Carolina "Victim and Witnesses' Bill of Rights" (Section 3, Act Number 418, Section 16-3-1530, as amended), the Greenville Police Department will utilize the "Victim Notification" forms. This form will be completed at the scene by the responding officer working with the crime victim or victims of traffic collisions involving Felony D.U.I. (See list below for specific crimes covered by these guidelines.)

Victim Notification form copies will be distributed as follows:

(A) The suspect is arrested at the scene or before the end of shift:

- **Crime Victim Copy** - given to victim at the scene.
- **Victim Advocate Copy** – placed in the Victim Services box in the Arsenal.
- **Records Copy** – placed in Records Division box (with Code 5 white copy) in the Arsenal.
- **Detention Copy** - forwarded to detention during booking of prisoner.



(B) The suspect is identified but not arrested at the scene or by end of shift and officer obtains warrant:

- **Crime Victim Copy** - given to victim at the scene.
- **Victim Advocate Copy** – placed in the Victim Services box in the arsenal.
- **Records Copy** - placed in the Records Division box (with Code 5 white copy) in the Arsenal.
- **Detention Copy** - attached to warrant to be forwarded to Detention upon suspect arrest.

(C) The suspect is not identified by end of shift and case is forwarded to Investigation Division:

- **Crime Victim Copy** - given to victim at the scene.
- **Victim Advocate Copy** – placed in the Victim Services box in the Arsenal.
- **Records Copy** – placed in the Records Division box (with Code 5 white copy) in the Arsenal.
- **Detention Copy** – placed in the Detective Division box (with Code 5 pink copy) to remain with investigation case file until suspect is identified, then attached to warrant to be forwarded to detention upon arrest of suspect.

(D) Detective Division:

- **Crime Victim Copy** - given to victim at the scene or upon completion of Code 5.
- **Victim Advocate Copy** – placed in the Victim Services box in the Detective Division.
- **Records Copy** – placed in the Records Division box (with Code 5 white copy) in the Detective Division.
- **Detention Copy** - remains with case file until warrant is issued where it is then attached to warrant and forwarded to detention upon suspect arrest.



4.1.7 The Victim Notification Form should be completed and given to the victim and/or witness at the scene of the following incidents:

Armed Robbery	Larceny
Arson	Lewd Act on Minor
Assault and Battery	Lynching
Assault and Battery High and Aggravated	Malicious Damage
Assault and Battery with Intent to Kill	Molesting
Attempted Kidnapping	Murder
Auto Breaking	Obscene Phone Call
Auto Theft	Peeping Tom
Blackmail	Pointing a Firearm
Breach of Trust	Purse Snatching
Burglary	Rape
Car Jacking	Safe Cracking
Criminal Domestic Violence	Sodomy
C.D.V. High and Aggravated	Strong Armed Robbery
Criminal Neglect	Stalking
Criminal Sexual Conduct	Threats
Discharging Firearm	Threatening Phone Calls
Embezzlement	Threatening Witness
Flim-Flam	Vandalism
Forgery	Witness to any of listed crimes
Fraud	Vicious Animal Attack on Human (if Crime Negligent)
Home Invasion	
Harassment	Traffic Collisions:
Harassing Phone Calls	Hit & Run with Injuries
Indecent Exposure	Traffic Accident with D.U.I.
Kidnapping	Traffic Fatality with D.U.I.
	Reckless Driving with Collision with Injuries
	Reckless Homicide

4.1.8 All victims will receive contact information for the Victim Services Unit as listed in §4.1.3, should they desire to speak with a Victim Advocate, recognizing however, that some types of victimization often results in a real need for emotional and physical support, the Victim Services Unit will reach out to offer their services and support to victims of the following crimes:

- Domestic Violence
- Threatening Acts and Stalking
- Aggravated Assaults with injuries



- CSC
- Crimes involving the elderly or vulnerable
- Child Abuse (DSS Notification)
- Robberies
- Flimflam or Identity Theft
- Homicides
- Arsons
- Home Invasions and Car-Jacking
- Other Crime Victims at Advocate discretion

Contact by phone or mail will be attempted within five business days of receipt of an *Incident Report* and accompanying *Victim Notification Form* by the Victim Services unit. If an incident report has an active investigation in process by the Detective Division the Victim Advocate will use their discretion and the recommendation of the detective whether to make contact or not.

4.1.9 Call-Out & Crisis Intervention.

The on-duty/on-call Crime Victim Advocate and/or volunteer staff will respond to "on the scene" calls at the discretion and approval of field supervisors or the Investigation section. On-scene Victim Advocate assistance should be considered for:

- Armed Robberies;
- Domestic Violence;
- Home Invasions;
- Homicides;
- Kidnappings;
- Missing Persons;
- Sexual Assaults;
- Suicides

4.1.10 When victims of crime need assistance with financial, emotional and/or physical recovery, the victim advocate can assist with the following:

(A) Emergency referrals or direct assistance with the following:

- Medical care.
- Emergency food supplies.
- Provision of clothing.



- Provision of shelter.
- Financial assistance.
- Child assistance.
- Repair or clean-up of property.
- Transportation.
- Death notification.
- Assistance with body identification.

(B) Supportive services during investigation include:

- Supportive individual counseling.
- Assistance with victim compensation applications.
- Assistance with private insurance claims.
- Employer, landlord and creditor intervention.
- Appropriate social services referrals.
- Consultation and networking with hospitals, medical and mental health professionals.
- Referral to the investigative officer if victim is inquiring about the status of stolen, recovered or removed property is needed.
- Information regarding arrest and detention status of suspects(s), bail and pre-trial release.
- Information regarding victim compensation.
- Information regarding protection, continuing shelter and restraining orders.
- Specific information regarding the criminal justice system.



- Accompaniment to physical lineups and court, if desired.

(C) Supportive services available during criminal prosecutions include:

- Coordination of victim appearances at court and limiting the number of appearances, if desired, and if possible.
- Notification of case progress by phone or personal contacts.
- Personal support through any hearings, interviews and the trial, if desired.
- Transportation to and from court, if necessary.
- The opportunity for victims to express to the judge or the solicitor's office their opinions regarding restitution, diversions, dismissals, and plea bargains.
- A place in the court house which is safe and separate from suspect(s) and defense witnesses is provided to the victim(s).
- Assistance in preparing impact statements for use in plea bargaining and sentencing.
- Provide a court room walk-through to victims, if desired.

(D) Support services available after case disposition include:

- Inform the victim of the offender's status following the disposition of the case, if requested.
- Inform the victim(s) of their rights regarding the provision of a victim impact statement at a parole hearing, and advise the victim of the date and location of the hearing.
- Provision of personal support during appeals or motions for a new trial.
- Referral of long term counseling and social services.



- Notification to the probation department when restitution is not made or violation of restraining orders or other conditions of probation.
- Accompany the victim to any parole hearings.

4.1.11 CDV Child Present DSS Reporting Responsibilities:

- Upon receiving any report involving Criminal Domestic Violence, Victim Advocates will assume the responsibility of faxing related documents to the **Department of Social Services at 864-467-4891**.
- Only initial incident reports specifically related to the reported CDV will be sent and must be done as soon as possible.
- A copy of the fax receipt will be placed in the case file for future reference.

4.1.12 Crime Victim Advocate Case Management

- (A) The Crime Victim Advocate will obtain copies of reports and case files for victims/witnesses being served by the Victim Services Unit.
- (B) Each case will be reviewed, as they are received.
- (C) Each case will be recorded and filed in the Victim Services Case Management database. Records will include:
 - Name, address and telephone numbers of victim.
 - Case number and name of officer and/or investigator assigned.
 - Name of perpetrator and information concerning arrest.
 - Additional contact information and case status, to be updated as needed.



4.2 RESPONSIBILITIES WITHIN THE DEPARTMENT

- 4.2.1 The Crime Victim Advocate will see that all non-sworn personnel of the Greenville Police Department are advised of the benefits of the Victim/Witness program. Additionally, the advocate should see that all new non-sworn employees of the Police Department are advised of the existence, purpose and activities of the Victim/Witness Program.
- 4.2.2 The Crime Victim Advocate will see that all sworn personnel receive training in the role of law enforcement in meeting the needs and rights of victim/witnesses.
- 4.2.3 The Crime Victim Advocate will actively participate in coordinating and guiding departmental activities and training of employees who come in direct contact with victims/witnesses, including police officers, investigators, and dispatchers. This function includes periodic review of the training and orientation and day to day operations regarding victim/witness services.
- 4.2.4 The Crime Victim Advocate should make sure that all new officers are given training in Victim/Witness rights.

4.3 SERVICES PROVIDED TO THE COMMUNITY AND OTHER AGENCIES

- 4.3.1 The Crime Victim Advocate will make efforts to ensure that the public and the media are informed about the Greenville Police Department's victim/witness assistance program. This can include, but is not limited to, information posted on the department's website, periodic media appearances, participation in committees and groups that offer services and resources to the community, distribution of informational material, and media appearances or other language media formats.
- 4.3.2 The Crime Victim Advocate will maintain a relationship with the State Victim/Witness program and those sources identified in the analysis to ensure:
 - (A) That referrals of victims/witnesses to outside sources is based on accurate and up-to-date knowledge of the services offered by those sources.



- (B) Maintenance of an ongoing channel of communication by which to offer and receive suggestions about how the Greenville Police Department and other agencies can more effectively work together in order to serve the victim/witness.

4.3.3 The Crime Victim Advocate will see that a complete review of victim/witness assistance needs and available services within the Greenville area is conducted and documented every two years. This review will include the following elements:

- (A) The extent and major types of victimization within the agency's service area.
- (B) An inventory of information and service needs of victims/witnesses in general (including homicide and suicide survivors) and special victims, such as those victimized by domestic violence, abuse and neglect (especially children and the elderly), sexual crime and drunken drivers.
- (C) Victim assistance and related community services available within the Greenville area.
- (D) Identification of all unfulfilled needs and the selection of those appropriate for the department to meet.


Kenneth C. Miller, Chief of Police

5-10-19
Date

