

## Victim and Witness Assistance

### 605.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

### 605.2 POLICY

The Montgomery County Sheriff's Office is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the Montgomery County Sheriff's Office will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

### 605.3 CRIME VICTIMS

Deputies should provide all victims with the applicable victim information handouts that include:

- (a) Information regarding immediate medical assistance when needed and is not detained for an unreasonable length of time before having such assistance administered.
- (b) Information about available protection from harm and threats of harm arising out of cooperation with law-enforcement prosecution efforts, and receives such protection.
- (c) Information that testimony as to one's home address is not relevant in every case, and that the victim or witness may request the district attorney to raise an objection should he/she deem it appropriate to this line of questioning in the case at hand.
- (d) Information that any stolen or other personal property is to be expeditiously returned by law-enforcement agencies when it is no longer needed as evidence, provided its return would not impede an investigation or prosecution of the case. Also, that when feasible, all such property, except weapons, currency, contraband, property subject to evidentiary analysis and property whose ownership is disputed, should be photographed and returned to the owner within a reasonable period of time of being recovered by law-enforcement officials.
- (e) Information regarding appropriate employer intercession services to seek the employer's cooperation with the criminal justice system and minimize the employee's loss of pay and other benefits resulting from such cooperation whenever possible.
- (f) Information that, whenever practical, a secure waiting area will be provided during court proceedings that does not place the victim or witness in close proximity to defendants and families or friends of defendants.

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- (g) Information on resources for preparation of victim impact statement for consideration by the court.
- (h) Information is provided prior to trial, regarding plea bargaining procedures and is told that the district attorney may recommend a plea bargain to the court.
- (i) Notice that civil remedies may be available and that statutes of limitation apply in civil cases.
- (j) Upon the victim's written request, is notified before a proceeding is held at which the release of the offender from custody is considered, if the crime for which the offender was placed in custody is a Class G or more serious felony.
- (k) Upon the victim's written request, is notified if the offender escapes from custody or is released from custody, if the crime for which the offender was placed in custody is a Class G or more serious felony.

Family members of a homicide victim shall be offered the same victim information handouts, as applicable.

Deputies should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Deputies should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written office material or available victim resources.

#### **605.4.1 SPECIFIC REQUIREMENTS REGARDING VICTIMS**

The investigating deputy shall ensure that victims are provided with information as soon as practicable:

- (a) The availability of medical services, if needed.
- (b) The availability of crime victims' compensation funds and the address and telephone number of the agency responsible for dispensing the funds.
- (c) The address and telephone number of the District Attorney's Office that will be responsible for prosecuting the victim's case.
- (d) Information about an accused's opportunity for pretrial release.
- (e) The name and telephone number of an investigating deputy who the victim may contact to find out whether the accused has been released from custody.

When a victim is mentally or physically incompetent or when the victim is a minor, the victim's rights, other than the rights provided by current laws, may be exercised by the victim's next of kin or legal guardian.

#### **605.5 VICTIM INFORMATION**

The Support Services Director shall ensure that victim information handouts are available and current. These should be available in the public lobby.

- (a) Shelters and other community resources for victims of domestic violence.
- (b) Community resources for victims of sexual assault.

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- (c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams.
- (d) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.
- (e) A clear explanation of relevant court orders and how they can be obtained.
- (f) Information regarding available compensation for qualifying victims of crime.
- (g) VINE® information (Victim Information and Notification Everyday) as well as SAVAN (Statewide Automated Victim Assistance and Notification System) information, including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.
- (h) Information related to:
  - 1. The North Carolina Victim Assistance Network.
  - 2. The North Carolina Coalition Against Domestic Violence.
  - 3. The North Carolina Rape Victims Assistance Program.
  - 4. The North Carolina Coalition Against Sexual Assault.
  - 5. The North Carolina Crime Victims Compensation Services.

#### **605.6 WITNESSES**

Deputies should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Deputies may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Deputies should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.