



ERIE POLICE DEPARTMENT



Written Directives

Number: 250.000

Title: <u>Victim/Witness Assistance</u>		Pages: 4
Effective Date: 11/18/09	Review Date: 05/18/19	Amended Date: 05/16/18

POLICY:

It is the policy of the Erie Police Department witnesses and victims shall be treated with fairness, compassion and dignity. The department is committed to working with and implementing appropriate victim and witness assistance programs and activities.

DEFINITIONS:

NONE

PROCEDURES:

CACP STANDARD 250.1

I. VICTIM/WITNESS RIGHTS

A. The State of Colorado guarantee rights to victims of the following crimes:

- Murder/Manslaughter
- Criminally Negligent Homicide
- Vehicular Homicide
- 1st Degree Burglary
- Assault and Vehicular Assault
- Careless Driving resulting in the death of another person
- Failure to stop at the scene of an accident which results in the death of another
- Sexual Assault on an adult or child
- Sexual Exploitation of a child
- Unlawful Sexual Contact
- Incest or Aggravated Incest
- Violation of a protection order issued under CRS 18-1-1001 in a sexual assault case
- Indecent Exposure
- Child Abuse
- Kidnapping
- Human Trafficking
- Robbery
- Menacing
- Stalking
- Crimes Against At Risk Adults or Juveniles
- Bias Motivated Crimes
- Crimes involving Domestic Violence
- Victim/Witness Intimidation

- Retaliation Against or Tampering with a victim of, or witness to a crime
- Any criminal attempt, conspiracy, criminal solicitation, or accessory involving any of the crimes specified above
- All other crimes as specified in CRS 24-4.1-302

B. If the victim is deceased or incapacitated, these rights are guaranteed to the victim's spouse, parents, child, sibling, grandparent, significant other, or other lawful representative.

C. Victims of the crimes specified within the Victim's Rights Act have the following rights:

- To be treated with fairness, dignity and respect
- Prepare a victim witness statement
- Be free from intimidation, harassment, or abuse and to be informed about what steps can be taken if he or she is subjected to intimidation, harassment, or abuse
- Be informed of the status of the case and any scheduling changes or cancellations
- Be present and heard regarding bond reduction or modification, acceptance of plea agreement, sentencing, or modification of a sentence
- Consult with the District Attorney prior to any disposition of the case or before the case goes to trial and to be informed of the case disposition
- Have the court determine the restitution and to be informed of the right to pursue a civil judgment
- Be assured the court, prosecutor and other law enforcement officials will take appropriate action to achieve a swift and fair resolution of the proceedings
- Preview presentence report, at the discretion of the District Attorney
- A safe and secure waiting area during court proceedings whenever practicable
- Prevent any party at any court proceeding from compelling testimony regarding a victim address, phone number, or place of employment
- Receive the prompt return of property when no longer needed as evidence
- Be provided with appropriate employer intercession services
- Be notified when person accused of the crime is released from county jail and upon written request when released from correctional facility
- Be informed of the availability of financial assistance and community resources
- Know the process for enforcing compliance with the Victim Right's Act
- Know all rights pursuant to the Constitution of the United States or the State of Colorado

D. Critical Stages of the Criminal Justice System are those stages as specified in section 24-4.1-302 (2) C.R.S.

E. Law Enforcement's Role:

CACP STANDARD 250.1

1. Treat victim with fairness, respect and dignity.
2. Provide the following information in writing:

- a. Statement of victims' rights;
 - b. Information on the availability of victim assistance, medical and emergency services;
 - c. Information on the availability of victim compensation benefits & name, address and phone number of person to contact;
 - d. Availability of protection, to include protective court orders; and
 - e. Availability of public records related to the case.
3. Ensure victims are periodically informed of the status of investigations.
 4. Give high priority to investigating reports of threats or intimidation and forward reports to prosecutors.
 5. Provide each victim as soon as available:
 - a. Address and phone number of the District Attorney's Office;
 - b. File number, name, business address and phone number of officer investigating case; and
 - c. Information as to whether suspect is in custody or has been released and any conditions imposed on release.
 6. Inform the victim when a case is sent to the prosecutor pending the filing of charges.
 7. Minimize contact between the victim and their immediate family with the defendant and relatives of the defendant.
 8. Inform victim of the availability for the following services:
 - a. Follow-up support for the victim and victim's family to ensure the necessary assistance is received;
 - b. Transportation, child care and household assistance to enable participation in the criminal proceedings;
 - c. Assistance in dealing with creditors and credit reporting agencies; and
 - d. Translation services.
 9. Informed and knowledgeable referral to local services and programs for victims.
 10. Establish procedures for prompt return of property to victims when no longer needed for evidence.

II. VICTIM SERVICES

CACP STANDARD 250.1

- A. The Erie Police Department utilizes Boulder County Sheriff's Office Victim Services unit.
- B. Officers will notify Dispatch when there is a need for a victim advocate.

C. Officers will provide a Victim's Rights and Assistance brochure to every victim of a crime covered by the Victim's Rights Act.

D. The Victim Rights and Assistance Brochure will include:

1. A list of victim services available;
2. An explanation of the victim's rights;
3. The case number of the investigation; and
4. The officer's name.

III. NOTIFYING NEXT OF KIN

CACP STANDARD 250.4

When an officer is requested or required to notify next-of-kin of a deceased, seriously injured, or seriously ill family member, the officer will;

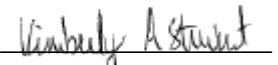
1. Ensure the notification is carried out promptly;
2. Be courteous and compassionate with the family; and
3. Offer to contact clergy, relatives or close friends of the family for assistance.

RULES:

NONE

REFERENCES:

NONE



Kimberly A. Stewart
Chief of Police