

Columbus Police Division Directive	EFFECTIVE	NUMBER
	Aug. 30, 1998	3.08
	REVISED	TOTAL PAGES
	Dec. 30, 2021	6
Victim/Witness Assistance		



I. Introduction

A. Summary of Victim and Witness Rights

1. The Ohio Constitution and the Ohio Revised Code delineate specific rights to victims and witnesses of crime.
2. Division employees have a responsibility to provide crime victims and witnesses with:
 - a. Information about their rights as a crime victim.
 - b. Information about the criminal investigation.
 - c. Notification when the offender is arrested.
 - d. The return of property, if reasonably possible.
3. Additional rights afforded crime victims and witnesses are provided by other agencies within the criminal justice system. These include the right to:
 - a. Obtain information from and have meaningful discussions with the prosecutor.
 - b. Have meaningful participation during trial.
 - c. Make a statement at **any stage of the proceedings** about the impact of the crime.
 - d. Participate in the criminal proceedings without jeopardizing employment status.
 - e. Receive notice if the offender escapes custody prior to trial or sentencing.
 - f. Receive specific information after sentencing.
 - g. Receive information and provide input about the defendant's incarceration and parole status.

II. Definitions

A. Victim

Any person against whom a criminal offense or delinquent act is committed, or any person who is directly and proximately harmed by the commission of the offense or act.

III. Policy Statements

A. Victim/Witness Needs Assessment

1. The **Major Crimes Bureau's** Investigative/Administrative Lieutenant, **with assistance from the Victim/Witness Services Officer**, shall develop, coordinate, and administer victim/witness service programs that:
 - a. Govern the implementation and delivery of victim/witness assistance services by Division personnel.
 - b. Ensure the confidentiality of victims and witnesses and their roles in case development to the extent consistent with law.
 - c. Periodically inform the public through the news media, articles, brochures, or speaking engagements of actions which can be taken to minimize the risks of victimization and the availability of victim/witness services.
 - d. Maintain an ongoing channel of communication to offer and receive suggestions how the Division can effectively work with outside sources to better assist crime victims, their families, and witnesses and to ensure that referrals to outside sources are based upon accurate and up-to-date knowledge of the services offered.

B. Preliminary Investigation/Initial Contact With Crime Victim

1. Sworn personnel having initial contact with victims or families of victims of any felony offense or misdemeanor offenses of negligent homicide, vehicular homicide, assault, aggravated menacing, menacing by stalking, menacing, sexual imposition, domestic violence, or intimidation of a crime victim or witness shall:
 - a. Provide:
 - (1) The Ohio Attorney General publication, "Ohio Crime Victims' Rights";
 - (2) The Columbus City Attorney's publication, "A Guide to Protection Orders, The Court and Community Resources";
 - (3) The Ohio Attorney General's tear-off sheet entitled "YOU HAVE RIGHTS"; and
 - (4) The Division's tear-off sheet that provides contact information for CPD and the prosecutor's office.

Note: The preferred course of action is to provide the hard copies of these items, but personnel may also utilize the "Close the Call" application and reference the Division's internet page to disseminate victim rights information to victims/witnesses.

- b. Advise victims of the procedures to follow if they, a member of their family, or a witness are:
 - (1) Threatened or intimidated by the suspect.
 - (2) Threatened or intimidated by someone acting at the suspect's direction or on the suspect's behalf.

- c. Provide the *incident report* number, if available, to the victim, the victim's family, and witnesses, as applicable.
 - d. Inform the victim, the victim's family, and/or witnesses of the steps involved with processing their case.
 - e. Provide the victim with the telephone number of the unit responsible for the follow-up investigation.
2. Sworn personnel having initial contact with victims or families of victims of any other crimes (not outlined in section III,B,1) shall:
 - a. Provide:
 - (1) The Ohio Attorney General's tear-off sheet entitled "YOU HAVE RIGHTS," and
 - (2) The Division's tear-off sheet that provides contact information for the Division and the prosecutor's office.

Note: If the person is a victim of OVI or Hit/Skip, also provide a copy of The Ohio Attorney General publication, "Ohio Crime Victims' Rights."

- b. Provide the *incident report* number as applicable.
3. The appropriate Division personnel shall mail the publications "Ohio Crime Victims' Rights"; "A Guide to Protection Orders, The Court and Community Resources"; the Ohio Attorney General's tear-off sheet entitled "YOU HAVE RIGHTS"; and the Division's tear-off sheet *that* provides contact information for the Division and the prosecutor's office to crime victims prior to the end of the shift when:
 - a. Incident *reports* of felony theft or vandalism are taken by the Telephone Reporting Unit, or
 - b. Requests for *incident reports* are received from out-of-town residents who were the victims of the crimes listed in Section III,B,1.

Note: The preferred course of action is to provide the hard copies of these items, but personnel may also utilize the "Close the Call" application and reference the Division's internet page to disseminate victim's rights information to victims/witnesses.

4. If the victim is deceased or incapacitated, personnel shall provide the appropriate materials containing victim's rights information to an immediate family member who has been directly and proximately harmed by the offense.
5. A "help file" shall be maintained in the **Emergency Communications Center** and may be referenced regarding referral information about organizations that offer assistance to crime victims, their families, and witnesses on a 24-hour basis.

C. Assistance During the Follow-up Investigation

1. If the impact of the crime has been unusually severe, or the case otherwise requires special attention, the investigator **or the Victim/Witness Services Officer** shall attempt to follow up by contacting the victim/witness within a reasonable amount of time to determine whether further assistance is needed. A victim advocate from the appropriate prosecutor's office should be contacted if the investigator **or the Victim/Witness Services Officer** determines a need for additional assistance for the crime victim, the victim's family, or a witness.
2. If it will not adversely affect prosecution, the investigator **or the Victim/Witness Services Officer** should further explain the procedures necessary for the successful prosecution of the case and the role of the victims, the victim's family, and witnesses in the process.
3. If possible, investigators shall schedule photo arrays, interviews, and other required appearances at the convenience of the victim, the victim's family, and witnesses and shall assist in transportation arrangements to and from headquarters when necessary.
4. Except for contraband, disputed property, and weapons used in the course of a crime, physical property being held for evidence should promptly be returned to the victim upon the approval of the assigned case prosecutor.

D. Assistance During Arrest and Post-Arrest Processing

1. As soon as practical upon the arrest or notification of the arrest of a suspect for crimes specified in Section III,B,1, the investigating personnel shall furnish the following to the crime victim, or the victim's family, and witnesses:
 - a. Notification of the arrest to include the specific charges, case numbers, and the name of the defendant.
 - b. An explanation of bonding procedures.
 - c. The investigating personnel's business telephone number.
 - d. The custody status of the defendant if requested.
2. If a suspect is arrested for any of the misdemeanor offenses listed in Section III,B,1, **legal advocates with the City Attorney's office** shall contact the victim, the victim's family, and witnesses to provide the above information.
3. Refer the victim, and if applicable, the victim's family and witnesses, to the appropriate prosecutor's office to obtain information about the current status of the case.

E. Threat Assessment and Victim/Witness Assistance

1. The Division shall provide appropriate assistance to a crime victim, the victim's family, or witnesses who have been threatened with violence or intimidation by a suspect or defendant. This assistance may range from verbal reassurance to arranging for protective custody.

2. The appropriate prosecutor's office shall be immediately notified by the investigative officer upon learning that a defendant has threatened violence or intimidation to a crime victim, the victim's family, or a witness.

F. Notification of Next of Kin

1. Division personnel called upon to notify or assist in the notification of next of kin for seriously ill, injured, or deceased persons shall abide by the following:
 - a. When applicable, notification within Franklin or a contiguous county should be made by the primary investigator.
 - b. Notification shall be made as soon as practical.
 - c. Tact and sensitivity shall be used when making the notification.
 - d. Notification shall be made only to an adult.
 - e. Notification to the elderly or those in a questionable physical or mental condition should be done with caution.
2. Calls From Another Law Enforcement Agency
 - a. Prior to notification, the request shall be confirmed by teletype or fax on official letterhead.
 - b. The request must include the name, assignment, and phone number of the requesting officer. This information shall be provided to the next of kin.
 - c. Once notification has been made, the requesting agency shall be notified.
3. Requesting Notification by Another Law Enforcement Agency
 - a. The request should be made to a supervisor of the other agency and confirmed by teletype or fax on Division letterhead.
 - b. Information that is necessary and available without jeopardizing a criminal investigation shall be provided and shall include the requesting officer's name, assignment, business address, and telephone number.
 - c. Personnel shall request confirmation of the notification and to whom it was made.

IV. Procedures

A. Victim/Witness Assessment Committee

1. Every two years, obtain and review a current analysis of victim/witness assistance needs and available services compiled by the Victim/Witness Assistance Units of the City Prosecutor's Office, the Franklin County Prosecutor's Office, and the Crime Victims Services Section of the Ohio Attorney General's Office to include:
 - a. A comparative review of Division directives, policies, and procedures and current law regarding the rights of crime victims and witnesses.

- b. An inventory of information and service needs of all crime victims and witnesses.
 - c. Victim assistance and related community services available within the Division's service area.
 - d. Identification of unfulfilled needs.
 - e. Availability of grants programs.
2. Upon completion of this analysis, submit a final report to the Accreditation Unit.
- B. Accreditation Unit
1. Review the report for compliance with applicable CALEA standards.
 2. Forward the report to the **Major Crimes Bureau's** Investigative/Administrative Section Lieutenant.
- C. **Major Crimes Bureau's** Investigative/Administrative Lieutenant
1. Forward the report through the chain of command to the Chief of Police.
 2. **Forward information regarding victim assistance and related community services to the Emergency Communications Center for inclusion in the "help file."**
- D. Chief of Police
- Determine which needs are appropriate for the Division to meet and cause the implementation of steps to meet those needs.