

COOLIDGE POLICE DEPARTMENT		
	CHAPTER 55 VICTIM/WITNESS ASSISTANCE CALEA Standard(s):	General Orders
Issue Date: 6-24-13	Review Date:	Revision Date:

55.1 Victims' Rights

A. Arizona has adopted, both in the State Constitution and by statute, a bill of rights for persons who are victims of crimes. Under the law, officers are required to provide certain specific information to a victim of any criminal offense (felony, misdemeanor, petty offense, as well as violations of local criminal ordinances).

B. The term "victim" is defined by statute to include neighborhood associations who have registered with the City to invoke victims' rights for crimes specified in A.R.S. §13-4401.01.B.

C. Whenever a crime occurs and a victim is identified, a DR shall be used to document the incident. The victim shall be provided with a copy of the victim's rights form. The form is intended to:

1. allow the victim to request or waive his/her rights
2. allow a victim to designate a lawful representative as permitted by State law (a victim who is physically or emotionally unable to exercise victim's rights may designate a non-witness to act as a representative, or the parent/guardian of a minor victim may act as a representative, or the court may appoint a representative for an incapacitated or deceased victim).
3. notify the victim:
 - a. of his/her right to be treated with fairness, respect and dignity and to be free of intimidation, harassment or abuse throughout the criminal or juvenile justice process.
 - b. of the availability, if any, of crisis intervention services and emergency and medical services and, where applicable, that medical expenses arising out of the need to secure evidence may be reimbursed pursuant to State law.

- c. in cases of domestic violence, of the procedures and resources available for the protection of the victim pursuant to State law.
 - d. of the names and telephone numbers of public and private victim assistance programs, including the County victim compensation program and programs that provide counseling, treatment and other support services.
 - e. of the police report number, if available, other identifying case information and the telephone number that the victim may call to determine the status of the case.
 - f. that he/she will be notified by the law enforcement agency at the earliest opportunity after the arrest of a suspect.
 - g. that, the victim has the right, if the suspect is an adult and has been arrested, to be informed of the suspect's release, of the next regularly scheduled time, place and date for initial appearances, and of the victim's right to be heard at the initial appearance. The victim shall also be advised that, in order to exercise these rights, the victim must contact the custodial agency regarding the suspect's release and must contact the court regarding any changes to the initial appearance schedule.
 - h. that, if the victim chooses to exercise the right to be heard through a written statement, how that statement may be submitted to the court.
 - i. that the victim or the immediate family member of the victim, if the victim is killed or incapacitated, has the right to receive, at no charge, one copy of the police report, including any supplements to the report, from the investigating law enforcement agency.
- D. If at the time of the contact with the officer, the victim is physically or emotionally unable to request or waive the victim's rights, the officer shall note this on the form and the victim will be treated as if he/she had invoked the victim's rights. A victim may later choose to waive his/her rights.
- E. The officer shall provide the victim with a copy of the form. If the suspect is arrested and booked into jail, the officer shall provide a copy of the form to the custodial agency. The remaining copies shall be submitted to Records for distribution to the appropriate agencies/offices.

F. If the victim is not available at the scene of an incident, is not identified until after the scene has been cleared, or if the report is taken by telephone or other remote method, the officer taking the report or identifying the victim shall promptly mail the victim a victim's rights form and shall document this fact in the DR that is completed.

G. In any situation in which an Arizona Traffic Ticket and Complaint form is issued and there is a victim to the crime, officers shall mark the "yes" victim box on the citation form. Doing so informs the prosecutor and court of the existence of a victim.

H. If the suspect is arrested during a follow-up investigation, the arresting officer shall contact the victim to advise the victim of the arrest. The contact should be made in person or, if that is not possible, then the contact should be by telephone. If it is not possible to contact the victim directly, then the victim shall be notified by mailing the victim's rights form to the victim. The victim shall be notified of the initial appearance date, time, and location, prior to the initial appearance of the arrestee.

I. If the Department arrests the suspect on a warrant that was issued for this offense, or if the Department is notified by another agency that the suspect has been arrested on the warrant for the underlying offense, the employee serving the warrant or receiving notification of the warrant service by another law enforcement agency shall:

1. notify the victim of the arrest and of the time, place and date for the initial appearance.
2. inform the victim of the telephone number of the custodial agency in which the arrested person is held.
3. provide the custodial agency with the victim's contact information so that the custodial agency may notify the victim of the release of the suspect as required.

K. Victims, including officers who are victims, have the legal right to refuse a pre-trial defense interview.

55.2 Address Confidentiality Program

55.2.1 Overview of the Program

A. In compliance with state statute (A.R.S. §§41-161 through 169), the Arizona Secretary of State has adopted and implemented an Address Confidentiality Program (ACP). The purpose of the program is to protect the home addresses

and telephone numbers of victims of domestic violence, stalking and sexual offenses. The Secretary of State's website provides complete information concerning the program. <http://www.azsos.gov/services/acp>.

B. Under the program, a victim of one of these crimes may apply to the Secretary of State ACP Office for a substitute address. Once the Secretary of State issues the substitute address, all 1st class, certified and registered mail received at the substitute address will be forwarded to the person's actual address.

C. The participant will be provided with a Secretary of State ACP Authorization Card. When the participant presents a police employee with this card, the employee shall confirm that the card is valid and current by contacting the Secretary of State at 602.542.1892. Upon confirmation, the employee shall subsequently use the substitute address for all forms and records.

D. If a person advises an employee that he/she is registered with the Secretary of State but does not have a card in his/her possession at the time, the employee shall call the Secretary of State's Office at 602.542.1892 to verify participation. If the person is verified as a participant, the substitute address shall be used. The employee shall also forward a copy of the card (if feasible) or a copy of the information contained on the card to the Support Services Commander for implementation of the substitute address into the Department's records system.

E. Participants may also request that the Department redact the person's actual address from any public records created within 90 days of the person's application to the ACP. The Department is required to remove the actual address and may, if desired, change it to the substitute address. All requests shall be referred to the Support Services Commander for implementation.

F. Employees will not share the actual address of an ACP participant with other employees or with another criminal justice agency unless the address is shared for the purpose for which the address was originally obtained. Knowingly obtaining or disclosing an ACP participant's address, except as permitted by statute, is a class one misdemeanor.

55.2.2 Use of an ACP substitute address

For Department purposes, a substitute address under the Address Confidentiality Program shall be used for all reports, citations and other forms, whether paper or electronic. However, if the incident occurred at the ACP's actual address, the actual address shall be used as the location of occurrence. See section entitled Maintenance of Secure Address Records below for further information.

55.2.3 Request for Emergency Disclosure of the Address

A. If, for law enforcement purposes, a police employee has a time sensitive need for an ACP participant's actual address, application must be made to the Secretary of State. An example of a situation where obtaining the actual address might be necessary is when the ACP participant is the subject of physical characteristics warrant which is valid for a limited time.

B. The application must consist of:

1. a statement of request (see below) printed on Department letterhead,
2. a completed copy of the Secretary of State's "Emergency Disclosure of Participant Information Form" (attached), and
3. a copy of this policy.

C. The statement of request must be on Department letterhead and must include the following information:

1. ACP participant's name and ACP apartment number if known,
2. date of request,
3. statement of reasons the Department needs the actual address,
4. why the Department cannot proceed without disclosure of the address from ACP
5. statement of the facts regarding methods used to locate the address or, if applicable, reasons that other methods appear unlikely to succeed,
6. statement that this policy adopted by the agency will protect the confidential address of the ACP participant,
7. anticipate length of time address will need to be maintained,
8. printed name, title, badge number (if any) and contact number of both the employee making the request and the employee's supervisor and signatures of both employees.

D. The process for requesting disclosure is as follows:

1. Verify the person's participation in the program (call 602.542.1892 to confirm participation),

2. advise the Secretary of State's Office of the intention to send a request for an actual address and explain the urgency associated with the request),
3. complete the form, have it signed by a supervisor, and complete the statement of request (on letterhead),
4. FAX (602.542.3251) or scan and email (acpinfor@azsos.gov) the following documents to the Secretary of State's ACP office:
 - a. A copy of this policy,
 - b. The completed request (on letterhead),
 - c. A copy of the completed "Emergency Disclosure of Participant Information Form" (attached).

The Support Services Commander may be contacted for assistance

E. These emergency requests will be made only when absolutely necessary to do so in the context of an ongoing criminal or administrative investigation or court proceeding and only after all other reasonable efforts to identify the address have been completed (or appear unlikely to succeed).

F. Once the Secretary of State provides the actual address, state law requires that the address be maintained as confidential and only for as long as permitted by the Secretary of State. The Support Services Commander shall be provided with the original documentation regarding the communication provided by the Secretary of State, which shall be maintained as provided in the Maintenance of Secure Address Records below.

55.2.4 Service of Process on an ACP participant

In-person service of process on an ACP participant (a subpoena or an order of protection, for example) may be accomplished by serving the Secretary of State's Office. The employee who is making service must contact the Office at 602.542.1892 to confirm that the participant is still enrolled in the program and to advise the staff of the expected time of arrival at the Office, which is located at 1700 W. Washington, 7th Floor, Phoenix, Arizona. The document(s) to be served shall be enclosed in an envelope which is addressed to the participant by name and apartment number (on ACP card) and is clearly marked "Service of Process."

Service of process should be accomplished during normal business hours.

55.2.5 Maintenance of Secure Address Records

A. Actual addresses of persons who are participants in the ACP shall be maintained by the Support Services Commander for further information and use consistent with state law. The addresses may be maintained in secure hard copy form or in a secure electronic file.

B. If an ACP participant requests redaction of the person's actual address from any public records created within 90 days of the person's application to the ACP, the redaction shall be accomplished by the Support Services Commander. The actual address shall be redacted and may be replaced with the substitute address.

C. If an ACP participant's address is provided by the Secretary of State pursuant to an emergency request, the address may be maintained no longer than permitted by the Secretary of State and shall then be redacted from all records and files, including electronic records.

D. Employees shall not share the actual address of an ACP participant with other employees or with another criminal justice agency unless the address is shared for the purpose for which the address was originally obtained.

55.3 Next of Kin Notification

Next of kin notification is the responsibility of the assigned detective if one responds to the scene. In all other situations, it is the responsibility of the initial responding officers; every reasonable effort shall be made to notify next of kin prior to the end of shift. Details (name, method, date, time and nature of relationship) of the notification, or failure to notify, shall be included in the DR. If notification is not made, the task shall be passed to the incoming shift.

If the next of kin are not local residents, officers shall request the assistance of the local law enforcement agency in the jurisdiction where they reside.

55.4 Death Cases Involving other Jurisdictions

If the event causing death occurred outside the City, but the death occurred inside the jurisdiction, the jurisdiction where the event occurred shall be notified. Similarly, if a death occurs outside of the Department's jurisdiction as a result of an event that occurred within the City, officers may respond to provide assistance if requested and if approved by an on-duty supervisor.

55.5 SPECIFIC TYPES OF VICTIM ASSISTANCE

A. Victims/witnesses who has been threatened or who, in the Department's judgment, express specific, credible reasons for fearing intimidation will receive

appropriate assistance. The information that is provided shall be investigated, as appropriate, or referred to the appropriate law enforcement agency for response. The information shall also be forwarded by the investigating officer to the appropriate prosecutor and/or law enforcement agency for response, and to any available victim witness advocate who may assist the victim/witness.

B. If the Department becomes aware of a danger to a victim/witness, a supervisor will be provided the information. If the victim/witness is located within the jurisdiction, the supervisor will ensure the victim/witness is notified of the danger and shall arrange for appropriate precautions to be taken. If the victim/witness is located outside the agency's jurisdiction, the supervisor will either notify the victim/witness or have another jurisdiction attempt notification; in either case, the supervisor will request that the other jurisdiction take appropriate precautions.

55.6 VICTIM ASSISTANCE ADVOCATES

The Pinal County Victims Services provides Victim Assistance advocates to provide victim services in accordance with A.R.S. §§13-4401 and following, as well as A.R.S. §§8-381 and following. In addition to other services, those caseworkers will, at a minimum, provide the following services that may be of assistance to officers:

1. Re-contacting the victim/witness periodically to determine whether needs are being met, if in the opinion of the caseworker, the impact of the crime has been unusually severe and has triggered above-average need for services;
2. Explain to the victim/witness the procedures involved in the prosecution of the cases and his/her role in those procedures, if not an endangerment to the successful prosecution of the case;
3. Coordinate the scheduling of line-ups, interviews, and other required appearances at the convenience of the victim/witness, to include transportation when feasible;
4. Coordinate the prompt return of victim/witness property taken as evidence in accordance with the statutes and court rules (except for contraband, disputed property and unlawful weapons); and

5. Identify for the victim/witness the assigned victim assistance caseworker.