

**WINTER HAVEN POLICE DEPARTMENT**

**GENERAL ORDER 55.1**

**VICTIM/WITNESS ASSISTANCE**

**ACCREDITATION STANDARDS: CALEA 55.2.6; CFA – 14.04, 15.10**

**EFFECTIVE DATE: OCTOBER 30, 1995**

**RESCINDS: G.O. 55.1 January 5, 2018 and all applicable Amended/Temporary Orders prior to March 18, 2020**

**LAST REVISED DATE: March 18, 2020**

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**POLICY**

In order to ensure that victims are adequately informed of their rights, it shall be the policy of the Winter Haven Police Department to maintain a Victim Assistance Program in which all victims and witnesses are treated with fairness, compassion and dignity.

**PURPOSE**

The purpose of this General Order is to establish guidelines for providing information and assistance to victims and witnesses of crime in accordance with Florida law.

**SCOPE**

This General Order shall apply to all Department members.

**DISCUSSION**

As outlined in Florida State Statute 960.001, also known as Florida's Victim/Witness Protection Act of 1984, victims of crimes have a right to the following: (CFA 14.04)

- 1.** To be notified of the release of the accused.
- 2.** To be informed, present and heard at all crucial stages of the case as it moves through the criminal and juvenile justice system.

3. To be told of possible compensation for victims of violent crimes who have been physically injured.
4. To be assisted by criminal justice agencies concerning return of property and restitution.
  - a. Victims have the right to a prompt return of property unless there is a compelling law enforcement reason to retain the property.
5. To inquire about available victim services.
6. To submit an oral or written victim impact statement at sentencing of the accused.

## **PROCEDURE**

### **I. Victim/Witness Program**

- A. The Victim/Witness Program shall be under the administrative control of the Investigative Services Bureau Commander, and facilitated by the Victim/Witness/Volunteer Coordinator.
- B. Once every three years, the Investigative Services Bureau Commander, or designee, shall complete an analysis of victim/witness assistance needs and available services within the Department's service area. The analysis shall contain the following elements:
  1. The extent and major types of victimization within the Department's service area.
  2. An inventory of information and service needs of victims/witnesses in general, to include homicide or suicide survivors and special victims, such as those victimized by domestic violence, abuse and neglect, especially children and the elderly, sexual crimes, and drunken drivers.
  3. Victim assistance and related community services available within the Department's service area.
  4. Identification of all unfulfilled needs and the selection of those that are appropriate for the Department to meet.

### **II. Victim/Witness Procedure**

- A. All Department members are charged with the responsibility of assisting the public and shall treat all victims and witnesses with fairness, compassion and dignity.
- B. Victim assistance education and training shall be offered to members and community volunteers by the Department or other entities. The Victim/Witness/Volunteer Coordinator shall complete the Victim Services Practitioner's course offered by the Attorney General's Office. This member shall also attend various in-service related training when offered. Department volunteers shall attend training specific to the needs of crime victims as scheduled. This will enable victims to be promptly, properly, and completely assisted in their needs.
- C. Implementation of Victim/Witness Assistance Services by Department members:

1. Immediate on-scene assistance, support and counseling shall be offered to victims, witnesses and their families through the Victim Assistance Program; information shall be provided in reference to services available.
  2. Social Services Organizations that may be helpful include, but are not limited to those listed in the Directory of Human Services for Polk County, published by the United Way.
  3. Department members shall refer persons in need of assistance to the appropriate law enforcement agency having jurisdiction on a particular matter, or when not related to criminal matters, to the agency best able to provide the requested aid.
  4. A directory of community services and an on-call calendar of advocates shall be readily available to Communications for referring witnesses/victims in need of medical attention, counseling and emergency financial aid.
- D.** Members shall ensure confidentiality of victims/witnesses and their role in case development, to the extent consistent with state and federal law. The confidentiality of files will normally be determined by an ongoing review of the public information law and Department General Orders as they relate to the release of information.
- E.** The Crime Prevention Specialist and the Department's Victim Advocate shall be utilized to present programs to various citizen groups within the community, to inform the public of the victim/witness services provided by the Department.
- F.** The Department, via the Investigative Services Bureau Commander or designee, shall maintain liaison with criminal justice agencies, government and non-government agencies, and other organizations which provide assistance to a victim/witness that may be unavailable from within the agency.
- G.** The Victim Advocates shall provide information and referral information regarding the victim/witness services available from the Department or from the appropriate community resource.
1. Communications shall maintain a "911" emergency response number to ensure prompt law enforcement or medical response.
  2. The referral service shall be available to victims/witnesses twenty-four hours a day through contact with an officer, Advocate or through Communications via telephone. The Directory of Community Services Organizations shall also be readily available to Communications for referring victims/witnesses in need of medical attention, counseling and emergency financial assistance.
  3. Victim referral services shall also be available at any Department facility.
  4. During normal business hours, victims may be referred to the Department's Victim Advocate or Victim/Witness Coordinator of the State Attorney's Office if detailed or special needs are identified.
- H.** Members shall provide appropriate assistance to victim/witnesses who have been threatened or who, in the judgment of a member, expresses specific and credible reasons for fearing intimidation or further victimization. Information shall be provided to victims and witnesses regarding steps available to the Department and the State Attorney's Office to protect them from intimidation.

1. If the Department becomes aware of danger to a victim/witness, the Department shall attempt to promptly contact and alert the victim/witness.
2. When the victim/witness is in another jurisdiction, the Department shall contact the appropriate agency and inform it of the situation and request that reasonable precautions be taken.

### **III. Preliminary Investigation**

- A. During the preliminary investigation, members shall provide the victim/witness with the following services: (CFA 15.10b)
  1. Provide information to victims and witnesses regarding applicable services that are available depending on the needs of the victim/witness (e.g., counseling, medical attention, emergency shelter, compensation programs or emergency financial assistance, and victim advocacy). (CFA 15.10b)
  2. Advising victims/witnesses to report incidents to the Department immediately, when a suspect or suspect's companion or family threatens or otherwise intimidates them.
  3. Provide victim/witnesses with a copy of the Department's Victim/Witness Informational Brochure (whpd-266) and include the Department's case/event number, the investigating member's name and ID number. The Victim/Witness Informational Brochure contains the steps to be used in prosecuting the case. The investigating member shall document in their report that the victim/witness was provided a copy of the Victim/Witness Informational Brochure.
  4. Provide the victim/witness with the telephone number of the Victim Rights Coordinator of the State Attorney's Office for information regarding the status of the case, and the Department's telephone number to report additional information regarding the incident.
  5. In every case involving domestic violence, the investigating member shall give the victim a domestic violence pamphlet, in addition to the Victim/Witness Pamphlet. The services of an Advocate shall be offered. The Domestic Violence Pamphlet shall be patterned after Florida State Statute 741.29.
  6. If a defendant is arrested or an affidavit is filed in cases involving homicide (to include attempts), sexual offenses (to include attempts), stalking, or domestic violence a Rights and Certification Form (whpd-103) with the victim notification section completed shall be sent with the arrest or complaint affidavit. This allows the Sheriff's Office to comply with the provision of law to notify a victim upon a defendant's release from custody.

### **IV. Follow Up Investigations**

- A. The Department shall provide victims/witnesses assistance services as needed during follow-up investigations. Services, if provided, shall include, at a minimum:
  1. If the impact of a crime on a victim/witness has been unusually severe and requires immediate victim/witness assistance, the on-scene supervisor shall

contact the Advocate on call, the Department's Victim Advocate or The Peace River Crisis Intervention Center to request assistance.

- a. The on-scene supervisor shall ensure a copy of the incident report is forwarded to the Department's Victim/Witness/Volunteer Coordinator who makes re-contact periodically to determine if the needs of the victim/witness are being satisfied.
  2. Whenever it does not endanger the successful prosecution of the case, a member shall explain the prosecution procedures involving the role of the victim/witness.
  3. When feasible, the Department should schedule line-ups, interviews, and other required appearances at the convenience of the victim/witness. The scheduling of these appearances will be determined on a case-by-case basis.
  4. Assistance shall be provided to ensure that property of evidentiary value is returned to the victim as soon as feasible. When possible, the property should be photographed in accordance with the rules of evidence and returned to the owner.
  5. Whenever feasible, a Department Victim Advocate shall act as an advocate for any victim/witness.
- B. The Victim/Witness Advocate or investigating member makes notification to victims/witnesses concerning arrest, arraignment, pleas and other judicial actions involving the suspect. The Victim Advocate keeps the victim/witness informed and assists in preparing an impact statement.

## V. Emergency Notification

- A. The Department shall notify the next-of-kin of deceased, seriously injured or seriously ill persons. (CALEA 55.2.6)
  1. In person notifications shall be carried out promptly and in a considerate manner. Whenever possible, assistance should be obtained from the clergy, a victim advocate, a relative or a close friend.
  2. When the next-of-kin resides a considerable distance from the Department's jurisdiction, a teletype shall be submitted to the law enforcement agency having jurisdiction, requesting them to make contact with the next-of-kin. The agency will provide the notification, as well as, the Winter Haven Police Department contact information.
  3. Notification requests initiated by other agencies shall be carried out as previously outlined.

## VI. Definitions

- A. *Victim* – Any person who suffers physical, financial, or emotional harm as the direct result of a specified crime committed upon his/her person or property. Also regarded, as victims are a spouse, child, parent, or legal guardian of a minor victim and a spouse, child, sibling, parent, or legal guardian or a homicide victim. (This precludes any person involved in a crime as a perpetrator or accomplice.)

- B.** *Witness* – A person who, as determined by the Department, has information or evidence relevant to the investigation of a specified crime. When the witness is a minor, the term “witness” includes an appropriate family member. (This precludes defense witnesses and anyone involved in a crime a perpetrator or accomplice.)

APPROVED   
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**Charles E. Bird**  
**CHIEF OF POLICE**