



TALLAHASSEE POLICE DEPARTMENT GENERAL ORDERS

 Proudly Policing Since 1841	SUBJECT Victim Advocacy		 Nationally Accredited 1986
	CHIEF OF POLICE <i>Signature on File</i>		
NUMBER 67	ORIGINAL ISSUE 08/01/1992	CURRENT REVISION 08/29/2018	TOTAL PAGES 11

AUTHORITY/RELATED REFERENCES

FS Chapter 960, Victim Assistance
 General Order 2, Chain of Command-General Management
 General Order 18, Criminal Investigations
 General Order 37, Notification of Death or Serious Injury
 CIB-14, Victim Advocate Unit

ACCREDITATION REFERENCES

CALEA Chapter 55
 CFA Chapter 14

KEY WORD INDEX

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POLICY

In the course of Department-investigated crimes or events, members are responsible for ensuring victims and witnesses are treated with fairness, compassion, and dignity in compliance with applicable Florida Statutes.

DEFINITIONS

Victim Advocate: A member who has the specific responsibility of providing assistance to victims and witnesses.

Victim Notification Card: A Department document utilized to collect victim contact information for the purpose of notifying certain crime victims in the event

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of the suspect's release from a detention facility (detention facility personnel make the notification to the victim using the information from the card). Form number: PD 141.

Victim Rights Pamphlet: A Department informational brochure provided to victims and witnesses of crime. Form numbers: PD 233 (English) and PD 233B (Spanish).

PROCEDURES

I. VICTIM ADVOCACY GUIDELINES FOR OFFICERS & INVESTIGATORS

- A. The primary investigating officer has the initial responsibility of informing victims and witnesses of their rights during the course of an investigation, and shall:
1. Provide information about applicable services such as:
 - a. Medical attention, and
 - b. Victim advocacy services.
 2. Advise what actions to take if the suspect, the suspect's companions, or family threatens (or otherwise intimidates) the victim or witness,
 3. Provide the incident case number, and an explanation of the subsequent steps in the investigation and/or prosecution of the case,
 4. Provide the Department telephone number as a central point of contact to report additional information, or receive information regarding the status of the case, and
 5. At the earliest possible stage in the investigation, provide a Victim Rights Pamphlet to the victim or witness and, if warranted, provide explanation of its contents.
- B. A Victim Rights Pamphlet shall be distributed to victims (or family members when appropriate) and witnesses in incidents when:
1. An offense report is completed for a criminal investigation, or
 2. A traffic crash report is completed which involves a criminal charge (e.g., traffic homicide, DUI).

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- C. The Victim Rights Pamphlet provides information on the following topics:
1. Crimes compensation,
 2. Crisis intervention services,
 3. Supportive and bereavement counseling,
 4. Social service referrals,
 5. Community based victim treatment programs, and
 6. The role of the victim in the criminal justice system, stages in the criminal justice process, and the victim's right of restitution.
- D. Members shall complete the applicable sections of the Victim Rights Pamphlet informing the victim of pertinent incident information (e.g., case number, officer name, subsequent steps in the processing of the case).
- E. Officers and investigators who arrest the suspect in a Department-investigated criminal investigation shall make prudent and reasonable efforts to either promptly:
1. Notify the victim of the arrest, or
 2. Notify the primary officer or investigator of the arrest so they can notify the victim in a timely manner.
- F. In the criminal cases identified below, arresting officers and investigators are responsible for the completion of a Victim Notification Card (PD 141), and ensuring the completed PD 141 accompanies the arrestee's booking paperwork to the detention facility.
1. The information on the PD 141 shall include the most up-to-date contact available to the officer/investigator.
 2. The PD 141 shall be completed for the following crimes:
 - a. Homicide and attempted homicide,
 - b. Sexual battery and attempted sexual battery,

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- c. Stalking, and
 - d. Domestic violence.
3. Detention facility personnel are responsible for making the notification to the victim using the information from the PD 141.
- G. If during, or subsequent to, an investigation a member becomes aware of a credible danger to a victim or witness (or their families, friends or acquaintances) from the suspect, the member shall:
- 1. Promptly attempt to contact and alert the victim, witness, or other affected person,
 - 2. When the victim or witness (or other affected person) is in another jurisdiction, contact the appropriate law enforcement agency so reasonable precautions may be taken, and
 - 3. Ensure the appropriate Department offense report is completed and filed to document the threat and the notification (or attempted notification) to the victim, witness, or other affected person.
- H. Upon completion of an investigation and/or prosecution, property belonging to a victim which was held for evidentiary purposes shall be promptly returned unless there is a compelling law enforcement reason for retaining it.

II. VICTIM ADVOCATE UNIT UTILIZATION

- A. The Victim Advocate Unit (VAU) is a component of the Criminal Investigations Bureau (CIB), and follows the CIB chain of command as outlined in General Order 2 (Chain of Command-General Management).
- B. The availability of, and the call-out criteria for, victim advocates is outlined in the Call-out Procedures section of General Order 18 (Criminal Investigations).
- C. In making referrals to the VAU, members should be mindful of the following:
- 1. A referral needs to be related to a Department-investigated incident,

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2. The VAU provides assistance to members and their families as needed or requested (e.g., family member illness or death), and
 3. Do not refer suicidal persons to the VAU.
- D. For safety reasons, officers/investigators at a crime or incident scene where a victim advocate is also present shall ensure the advocate is not left alone on the scene, except when the advocate and sworn member both believe the circumstances at the scene do not warrant the sworn member remaining there.

III. VAU – VICTIM AND WITNESS SERVICES

- A. Victim advocates are responsible for a proactive approach to providing victim services, and shall:
1. Review and assess Department offense reports on a daily basis,
 2. Respond appropriately to referrals from citizens, members, social service entities, and law enforcement agencies, and
 3. Respond promptly to VAU call-outs.
- B. Victim advocates are responsible for providing and coordinating services for victims and witnesses who have suffered emotional or physical traumas as a result of being involved in a Department-investigated crime or event, and – as warranted – shall provide:
1. Timely on-scene assistance and crisis intervention services,
 2. Assessment and advocacy for a victim's emergency needs such as food, clothing, and shelter,
 3. Information regarding a victim's rights as outlined in Florida Statutes, including assistance in filing for crimes compensation benefits,
 4. Follow-up services and referrals for counseling and other community social services to assist with their physical and emotional needs, to include assistance in appointment scheduling, and transportation to an appointment, if warranted,
 5. Follow-up contacts with persons who – due to the severity of an incident – seem to have above-average service needs, and

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6. Liaison services between the victim or witness and the Department, the State Attorney's Office, and the court system, to include:
 - a. Emergency legal advocacy (e.g., filing of protective injunctions),
 - b. Transportation assistance for depositions, trials, other court hearings, and meetings with the State Attorney's Office and Department investigators,
 - c. Accompanying the victim or witness at court hearings and meetings, and
 - d. Explaining the role of a victim or witness within the prosecutorial process.
- C. When appropriate, victim advocates shall provide advocacy services to a victim's family members and persons with a significant association to a victim.

IV. VAU – OTHER SERVICES

Victim advocates are responsible for assisting the Department and community in other victim-related services and shall, as needed:

- A. Assist officers/investigators in notifying the next-of-kin of a deceased or seriously injured/ill person,
- B. Provide referrals for crime scene clean-up at the direction of a victim or their family,
- C. Conduct in-service training in victimization-related areas (e.g., victim's rights),
- D. Present community awareness programs to familiarize persons with available Department victim advocacy services and victim's rights, and
- E. Render services to members and their families following line-of-duty deaths or serious injuries which may include:
 1. Next-of-kin notifications,
 2. Assisting the family at the hospital,
 3. Providing emotional support,

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4. Assisting with legal and employee benefit matters, and
5. Other services traditionally offered to crime victims.

History: previous title (*victim advocate*) – issued 08/01/1992, revised 12/15/2000, 10/01/2001 (*title change – victim advocacy*), and 09/12/2007.

**GENERAL ORDER 67 – VICTIM ADVOCACY
Appendix One**

VICTIM RIGHTS

FS Chapter 960 (Victim Assistance) guarantees the following rights:

- A. The right of the victim to receive information (including contact numbers) on local community services to include counseling, shelter, legal assistance or other types of help, depending on the particular circumstances of the event.
- B. The right of the victim to receive information (including contact numbers) regarding the availability of crimes compensation, when applicable for victims of crimes or their relatives where the victim is deceased.
- C. The right of the victim or witness to receive information regarding their role within the criminal justice or juvenile justice system, to include what the victim or witness may expect from the system, and what the system may expect from the victim or witness.
- D. The right of the victim or witness to receive information regarding the stages of the criminal or juvenile justice process which are significant to the victim or witness, and the manner in which information about such stages may be obtained.
- E. The right of the victim, who is not incarcerated, including the next of kin of a homicide victim, to be informed, present, and heard when relevant, at all crucial stages of a criminal or juvenile proceeding, to the extent the right does not interfere with the constitutional rights of the accused.
- F. The right that victims or witnesses who are not incarcerated shall not be required to attend discovery depositions in any correctional facility.
- G. The right that the victim, or the next of kin of the victim, may not be excluded from any portion of any hearing, trial or proceeding pertaining to the offense based solely on the fact such person is subpoenaed to testify, unless, upon motion, the court determines such person's presence to be prejudicial.
- H. The right that incarcerated victims shall be informed of the crucial stages of the criminal or juvenile proceedings, and be afforded the

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opportunity to submit written statements at all crucial stages of the proceedings.

- I. The right of the victim to a prompt, timely disposition of their case, provided this right does not interfere with the rights of the accused.
- J. The right of the victim or witness to be free from threats, intimidation, or harassment.
- K. The right of the victim to be notified of scheduling changes in their criminal or juvenile justice system appearances by the scheduling agency or person.
- L. The right of the victim to receive advance notification of judicial proceedings relating to the arrest and/or release (to include community control and work release) of the accused as well as the proceedings in the prosecution.
- M. The right of the victim to be consulted by the State Attorney's Office in certain felony cases in order to obtain their (or in certain cases, their family's) views about the disposition of any criminal or juvenile case brought about as a result of such a crime, including the views of the victim or family about:
 - 1. The release of the accused pending judicial proceedings,
 - 2. Plea agreements,
 - 3. Participation in pretrial diversion programs, and
 - 4. Sentencing of the accused.
- N. The right of the victim to a prompt return of property following the completion of the investigation and/or prosecution of the case unless there is a compelling law enforcement reason needed to retain the property.
- O. The right of the victim to request assistance from law enforcement and the State Attorney's Office in notification to creditors and employers in regards to financial hardship or absences resulting from the crime.
- P. The right of the victim to request and receive (via the court system) restitution, and the victim's rights of enforcement in the event an

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offender does not comply with the restitution order, and right of the victim to know when restitution is ordered.

- Q. The right of the victim to submit an oral or written victim impact statement to the court, and receive assistance from the State Attorney's Office in preparation of that statement.
- R. The right of the victim to receive reasonable consideration and assistance from the employees of the investigating department and the State Attorney's Office, to include:
 - 1. Locating accessible transportation, and parking,
 - 2. Separate pretrial waiting areas, if available, and
 - 3. As needed, language translators.
- S. The right of the victim or witness (or in certain cases, the victim's family) to be notified when a defendant escapes from custody.
- T. The right of the victim to have a victim advocate accompany them to a deposition.
- U. The right of the victim to review certain portions of a pre-sentence investigation report for an adult or youthful offender prior to the sentencing of the accused.
- V. The victim, and the State Attorney's Office with the consent of the victim, have standing to assert any legal rights of a crime victim as provided by law or the Florida Constitution.
- W. The right of the victim of a sexual offense to have the courtroom cleared, with certain exceptions, during his or her testimony, regardless of their age or mental capacity.
- X. The right of the victim of domestic violence to be informed of the Address Confidentiality Program administered by the Office of the Attorney General.
- Y. The right of the victim to know in certain cases, at the earliest possible opportunity, if the person charged with an offense has tested positive for hepatitis or human immunodeficiency virus (HIV) infection:

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1. In such cases, upon request of the victim (or the victim's parent or guardian if the victim is a minor) the court shall order the arrested person to undergo hepatitis/HIV testing.
 2. The victim has the right to be informed of the HIV test results within two weeks of the court's receipt of such results.
- Z. The right of the victim to request, for specific crimes, an exemption prohibiting the disclosure of information to the public, which reveals the victim's home and work telephone numbers, home and work addresses, and personal assets not otherwise held confidential under the Public Records Law.
- AA. The right in certain circumstances to request that the offender be required to attend a different school than the victim, or his or her siblings.
- BB. The statutory obligation (FS Chapter 960) to advise the victim or the next of kin of a homicide victim, that any information gained regarding any case handled in juvenile court, must not be revealed to any outside party, except as reasonably necessary in pursuit of legal remedies.
- CC. The victim has the right to be notified by the appropriate agency of the arrest and release of the offender (including work release and community control).
- DD. The right of a victim of a sexual offense to request the presence of a victim advocate, to include advocates from a certified rape crisis center, during the forensic medical examination.
- EE. The right of a victim of a sexual offense to not have any law enforcement officer, prosecuting attorney, or other government official ask or require him or her to submit to a polygraph examination or other truth-telling device as a condition of the investigation.