

<b>SUBJECT: VICTIM/WITNESS COORDINATION/REFERRAL</b>
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## DEFINITIONS

- A. Victim - A person who suffers physical, financial, or emotional harm as the direct result of a specified crime committed upon his or her person or property. Also regarded as victims are a spouse, child, parent, or legal guardian of a minor victim, or a homicide victim.
- B. Witness - A person who has information or evidence relevant to the investigation of a specified crime. When the witness is a minor, the term "witness" includes the appropriate family member. "Witness" does not include defense witnesses or anyone involved in the crime as a perpetrator or accomplice.

## VICTIM/WITNESS REFERRAL SERVICE

- A. Victim/Witness referral service will be available on a 24 hour basis, 7 days per week, from each of the Bureau's District Offices as well as from Bureau Headquarters. If it is determined by the nature of the call that the victim/witness is in need of emergency rather than routine services, appropriate information will be obtained and the call immediately referred to the appropriate agency with jurisdiction.
- B. Information pertaining to victims and witnesses and their role in case development compiled during the course of an investigation is confidential and should not be considered public record and will not be disclosed without prior permission of the victim or witness to any agency providing victim or witness assistance.

## EXECUTIVE RESPONSIBILITY

The Assistant Director of Field Operations is responsible for the overall administration of the Bureau's Victim/Witness Coordination and Referral Program and will act as liaison officer with other agencies and departments providing victim/witness assistance. The Training Section will be responsible for coordinating training programs for sworn and non-sworn personnel in order to apprise them of victim/witness rights and available support and advocacy agencies.

## SPECIAL AGENT IN CHARGE RESPONSIBILITY

The Special Agent in Charge or Assistant Special Agent in Charge shall refer victims or witnesses or others in the District consistent with the provisions of Procedure 27, Victim/Witness Referral Services. If criminal charges have resulted in an arrest and there

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is a pending criminal prosecution in that District then the victim or witness will be referred to the Victim/Witness Coordinator in the appropriate District Attorney's Office with jurisdiction in the criminal matter. The Special Agent in Charge or the Assistant Special Agent in Charge will be the single point of contact at the district level to evaluate and address specific questions relating to the referral process.

**AGENT RESPONSIBILITY (INITIAL)**

- A. In those instances when the North Carolina State Bureau of Investigation is the arresting agency or when Agents of the Bureau are the principal investigators having direct contact with victims, witnesses or others in need, Agents shall provide their business card and/or the telephone number of the District Office where the individual may receive referral information regarding assistance available.
- B. Agents will advise the victim/witness regarding appropriate procedures to follow if the suspect, suspect's accomplice, companion, or family threatens or otherwise intimidates him or her.
- C. Agents will inform the victim/witness of the progress of the criminal case. Agents having direct contact with victims, witnesses or others needing assistance shall ensure that the provisions of G.S.15A-825 are met.

**AGENT RESPONSIBILITY (FOLLOW-UP)**

- A. If the impact of a crime has been unusually severe, the victim/witness should be re-contacted on a continuing basis to ensure that needs are met.
- B. Explanation will be given to victim/witnesses regarding procedures involved in the prosecution of their cases and their roles in those actions if that explanation does not jeopardize the successful prosecution of the case.
- C. All line-ups, interviews and other required appearances will be at the convenience of the victim/witness when possible.
- D. Victim/witness property taken as evidence (except for contraband, disputed property and weapons used in the course of the crime) will be returned promptly where permitted by law and rules of evidence.
- E. When appropriate, the Agent will confirm that the victim/witness coordinator assigned to the respective district attorney's office in each prosecutorial district has

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contacted and is assisting the victim/witness. If scheduling changes in criminal proceedings occur, the victim/witness coordinator or the Case Agent should notify the victim/witness as soon as possible.

- F. If appropriate, the victim/witness will be informed that North Carolina G.S. 14-226 and 14-277.1 prohibits the intimidation of witnesses and the communication of threats. The victim/witness should promptly notify the Case Agent or local law enforcement if a violation occurs. (*revised 07/11/03*)
- G. When appropriate, the Case Agent will notify the victim (or in the case of a minor, the victim's parents or guardian) of an arrest, charges pending, and the arrestee's custody status.

**DEATH OR SERIOUS INJURY NOTIFICATION PROCEDURE: SBI PERSONNEL**

When an employee of the North Carolina State Bureau of Investigation dies or is seriously injured on duty, it is the responsibility of the Bureau to notify the next-of-kin and subsequently to assist them as much as possible. The notification should always be made in a timely, personal, and considerate manner. The notification should be conveyed in plain language and always made with compassion. The following procedural guidelines should be followed:

- A. When a serious injury or death of an employee is first reported, the following persons or their designees should be notified as soon as possible:
  - 1. Special Agent in Charge or Supervisor;
  - 2. Appropriate Assistant Director; and
  - 3. The Director.
- B. Unless there are extenuating circumstances, information pertaining to death or serious injury situations shall never be given or taken over any mobile or portable radio.
- C. In cases of line-of-duty deaths, all press releases will be issued from or approved by the Director's Office.
- D. The notification shall be made in person by SBI personnel regardless of location of the next-of-kin unless the location is an out-of-state location of such a distance as to warrant the assistance of another law enforcement agency.

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1. Whenever possible, one member of the notification team should be at least a Assistant Special Agent in Charge or other management level employee.
  2. The team should also include a co-worker or close personal friend of the deceased or seriously injured employee or spouse; and
  3. In death cases, whenever possible, assistance should be obtained from the clergy or a relative.
- E. The notification should be made as soon as possible after the initial information is confirmed.
1. The Special Agent in Charge/Supervisor or their designee shall:
    - a. Confirm the identity of the employee;
    - b. Gather details about the circumstances surrounding the death or injury;
    - c. Determine any health considerations of the person(s) to be notified;
    - d. Determine the location(s) of person(s) to be notified;
    - e. Determine if there are personnel who should not take part in the notification; and
    - f. Determine if other persons are likely to be present at the notification.
  2. The notification team should be composed of at least two people.
  3. The personnel making the notification should travel in separate vehicles to allow more flexibility in the type of support and assistance that may be requested or required, e.g., keep the children when spouse has to go to the hospital, transport a family member to the next-of-kin's home, transport another family member to the hospital to meet the spouse of employee, etc.
  4. Prior to arrival, the notification team should discuss:

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- a. Who will be the primary spokesperson;
  - b. What will be said; and
  - c. How much detail to provide at that time.
- 5. Upon arrival at the location of next-of-kin:
  - a. The spokesperson should identify him/herself and other members of the notification team;
  - b. Ascertain the identity of next-of-kin;
  - c. The notification should not be made in a public setting;
  - d. Use straightforward and direct language in explaining the reason for the visit; and
  - e. Calmly and professionally answer questions.
- 6. After the initial notification has been given, Bureau personnel shall:
  - a. Offer support and assistance to the family;
  - b. Assist in making calls to relatives, friends, clergy, etc.;
  - c. Make a written record (for the family) of all persons contacted on their behalf;
  - d. Offer transportation to hospital, etc.; and
  - e. The notification team should not leave until all possible assistance has been provided.
- F. Prior to leaving the location of next-of-kin, the notification team shall:
  - 1. Leave names and telephone numbers where members of the notification team can be reached;

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2. If death or injury occurred out-of-state, provide names of persons, officers, agencies, and telephone numbers of those who may provide additional information;
3. Advise next-of-kin what follow-up assistance they may expect to receive, for example:
  - a. Any additional information or details concerning the circumstances surrounding the death or injury not known to the team or answers to questions posed by family members;
  - b. Additional assistance to the family with day-to-day routine for the next several succeeding days;
  - c. If notification involves a death, designate a member of the team to be available to help with funeral arrangements;
    - (1) If the SBI plans (provided the family agrees) to participate as a group in the service;
    - (2) If appropriate, provide contact with victim assistance agencies; and
    - (3) Assistance with insurance and other related benefits.
4. Re-contact next-of-kin in person the next day.