

BATON ROUGE POLICE DEPARTMENT

General Order
No. 141

Effective Date
01-01-1996

Revised Date
01-17-2013

Subject: Victim/ Witness Assistance

Reviewed 9/1/16

PURPOSE

To establish a victim and witness assistance function within the Baton Rouge Police Department and define its goals, objectives, operations, and to designate the organizational components responsible for this function.

POLICY

It is the policy of the Baton Rouge Police Department to uphold the rights of victims and witnesses of crimes as afforded in applicable Louisiana Codes. The Baton Rouge Police Department will further remain committed to the development, implementation and continuation of appropriate victim and witness programs and activities.

GENERAL

Subject to the appropriate application of the provisions of the State of Louisiana, Title 46 Articles 1801 – 1844, all victims have rights that include:

- The right to receive emergency, social, and medical services as soon as possible.
- The right to request to be notified of court proceedings, including arrest, arraignment, trial, sentencing and release of the offender.
- The right to a private setting for interviewing victims of a crime.
- The right to retain counsel to confer with judicial or law enforcement agencies regarding the disposition of their case and the use of available sentencing alternatives, including restitution to the victim.
- The right to assistance by judicial and law enforcement agencies in informing employers that the need for victim/witness cooperation may necessitate the absence of the victim or witness from work.
- The right to a secure waiting area during court proceedings.
- The victim's right of notification by the court to submit an impact statement prior to disposition or sentencing of an offender.
- The right to the return of property stolen or seized when no longer needed as evidence.
- The notification of the right of the victim to request restitution by the defendant.
- The notification of appeal, sentencing, execution, pardon or parole, escape or recapture by an offender.

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- The right to be informed of services and agencies that provide assistance to victims and witnesses, including those associated with the Baton Rouge Police Department.
- The right to be free of any intimidation, coercion, or threats as a victim or witness.

PROCEDURES

I. Command Responsibilities

- A. The maintenance and administration of the victim and witness assistance function as applicable to the Baton Rouge Police Department is the responsibility of the Chief of Police or the Chief's designee.
- B. The Chief or his designee will serve as a liaison with the appropriate governmental, criminal justice, and public service agencies concerned with the rights and needs of victims and witnesses.
- C. The Department will endeavor to inform the public of available victim/witness assistance services through the distribution of the "Assistance for Victims of Crime" brochure and other media publications.

II. Training

- A. The training of all personnel in victim/witness assistance policies and procedures will be the responsibility of the Training Services Commander or the Chief of Police or his designee.
- B. Training may include:
 - 1. Familiarization with General Orders.
 - 2. Academy and field training concerning victim's rights.
 - 3. Providing all personnel with additional training through roll call briefings, memoranda, or training bulletins.

III. Delivery of Services

- A. All personnel of the Baton Rouge Police Department will be responsible for the delivery of appropriate victim and witness assistance information as provided in the "Assistance for Victims of Crime" brochure. This brochure was developed as a replacement for file cards and will allow officers to furnish victims/witnesses with information regarding services provided by the Department as well as governmental or private organizations. Victim/witness assistance services listed in the brochure include:

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1. Information about applicable services, e.g., counseling, medical attention, compensation programs or emergency financial assistance, and victim advocacy;
 2. Advising the victim/witness about what to do if the suspect or the suspect's companions or family threatens or otherwise intimidates them;
 3. Informing victims/witnesses about the police report number and subsequent steps in the processing of the case; and
 4. Providing a telephone number that the victim/witness may call to report additional information about the case or to receive information about the status of the case.
- B. The State of Louisiana has enacted the Victim's Notification Act 750, which requires law enforcement to utilize the Louisiana Victim's Notification and Registration Form (five page document). For the purposes of this policy, the form will be referred to as the "Yellow Form" and should not be confused with the LAVNS-Louisiana Automated Victim's Notification System. The Yellow Form shall be filled out when an arrest is made on one of the charges listed in the back of page five (5). The form shall also be completed when an arrest is imminent or a warrant is forthcoming; however, it does not have to be completed on cases that require further investigation. NO PORTION OF THE YELLOW FORM IS PUBLIC RECORD.
1. The victim has the right to opt out of the registration and notification, and this should be noted in the officer's report. If the victim signs the form, the victim receives the blue copy of the form. Should the reporting officer obtain a signed Yellow form from the victim, but is not able to make an arrest, the officer will forward the remaining packet to the appropriate investigative division for follow-up.
 2. The form will be provided to the PPB Officer upon bringing the offender to the Parish Prison. PPB will take the entire packet. PPB will then remove the jail copy (pink copy) and the remaining three (3) pages will be forwarded with the arrest packet to the Fingerprint Division.
 3. The Fingerprint Division will forward the entire packet to Criminal Records with the daily call-out paperwork.
 4. Criminal Records will forward the District Attorney and Clerk of Court copies to court. Criminal Records will maintain the departmental copy (green copy) in a secured location away from any other documents.
 5. In the case of a warrant, the preparing officer will provide the completed packet to CIU along with the certified true copy of the warrant. CIU will have the responsibility, at the time the warrant is confirmed, to notify the officer that the packet needs to be obtained prior to the officer transporting the offender to the Parish Prison for booking.

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6. When a summons is issued, the jail portion is not required and can be destroyed. The yellow form shall be submitted to Criminal Records on a separate transmittal form from all other documents. The yellow form and transmittal should be placed into an envelope addressed to the attention of the Criminal Records Supervisor. The transmittal will be signed and returned verifying receipt.
 7. In cases when a juvenile is the offender the information regarding that juvenile offender is not protected from the victim. Louisiana Children's Code 811.1#11, specifically provides for this form to include the juvenile offender's information to the victim.
- C. The Communications Unit shall serve as a point of contact for callers requesting victim and witness assistance information.
1. Call takers will be responsible for providing information and referral to victims and witnesses for services provided directly by the Department as well as those of appropriate governmental or private organizations.
 2. Call takers will refer to the Communications Intra-Divisional Procedure for advising Victim/Witness's of these services.
- D. All Departmental personnel will be responsible for the confidentiality of sensitive information in strict compliance with the Louisiana Criminal Code and applicable Departmental General Orders.
- E. Sworn personnel engaged in the preliminary investigation of a crime will be responsible for:
1. The distribution to all victims of crime and/or their family members, of the Victim's Rights Brochure.
 2. Providing the phone number of the Departmental Complaint Desk of 389-2000 for further referral.
- F. Sworn personnel engaged in follow-up investigation will be responsible for:
1. Re-contacting the victim/witness periodically to determine if their needs are being met, if the investigator feels that the impact of a crime on a victim/witness has been unusually severe and/or if significant changes take place in the investigative process of their case.
 2. Explaining the role of the victim/witness in the prosecution of the case when possible.
 3. If necessary, scheduling interviews and suspect line-ups at the convenience of the victim/witness.
 4. Returning seized property to victims and witnesses through a coordinated effort with the Evidence Division.
 5. Assigning a victim advocate, if available, during follow-up investigations.

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- G. It shall be the policy of the Baton Rouge Police Department to provide appropriate assistance to victims/witnesses who have been threatened or who, in the judgment of the investigating officer, express specific, credible reasons for fearing intimidation or further victimization. The officer investigating such incidents will make every effort, using available resources, to offer the appropriate assistance. Such assistance may range from placing a victim in protective custody, transporting to protective shelter or a family member's residence, or providing the victim/witness with an "Assistance for Victims of Crime" brochure for reference.

- H. Victims of crimes of violence, sexual offenses, or vehicular negligent injury are eligible to receive notification of certain court proceedings and other hearings. Officers are to provide victims of these types of crimes with the Assistance for Victims of Crime brochure which outlines the procedures for obtaining forms for notification.