12.403  CRIME VICTIM/WITNESS NOTIFICATION AND ASSISTANCE

References:

Ohio Revised Code Chapter 2930 – Victims’ Rights
Ohio Revised Code 2933.41 - Disposition of property held by law enforcement agency; written internal control policy; records and reports; funding citizens’ reward programs
Ohio Revised Code 2933.42 - Offenses involving contraband; forfeiture of property used in committing violation
Ohio Revised Code 2933.43 - Procedure for seizure and forfeiture of contraband; law enforcement agency authorized to use, destroy, or sell forfeited contraband; distribution of proceeds of sale
Ohio Revised Code 109.42 - Victim’s bill of rights pamphlet

Definitions:

Crime – any felony or violation of Ohio Revised Code (ORC) Chapter 2903: Homicide and Assault, Sections 2907.06, 2907.02 Rape, 2919.25 Domestic Violence, and 2921.04 Intimidation of Crime Victim or Witness (as outlined in ORC 2930.01 Definitions, with additions).

CCROW - (Cincinnati Citizens Respect Our Witnesses) part of the Victims Assistance Liaison Unit whose focus is to support the needs of witnesses to violent crime.

VALU - (Victims Assistance Liaison Unit) is housed at the Criminal Investigations Section. The purpose of VALU is to support the needs of victims of violent crime and surviving victims and family members of homicides, suicides, and other death investigations.

Victim - a person who is identified as the victim of a crime in a police report or in a complaint, indictment, or information charging the commission of a crime.

Victim Advocate - a person trained to support victims of crime and witnesses.

Witness - a person who has knowledge of an event from personal observation or experience. A witness may or may not be giving sworn testimony to a court of law or the police.

Policy:

Department personnel are responsible for providing proper notification and assistance to victims and witnesses of crime as outlined in the ORC 2930 Victims’ Rights section.

It is incumbent upon investigators assigned cases whose offenses are outlined in ORC section 2930.01 to provide assistance to and follow-up with victims and witnesses as required under the victim’s rights statute.

Rev. 05/02/19, Replaces 10/03/06
Absent exigent circumstances, the transportation of any person for duty-related matters via a personally owned vehicle is prohibited.

**Procedure:**

A. When investigating an offense, the officer will:

1. As mandated, give a copy of the following to the victim:
      1) This booklet can be given to the family of the victim if the condition or age of the victim dictates.

2. Give the victim the telephone number of district/section/unit investigating the offense.

3. Give the victim the business phone number of the Hamilton County Prosector’s Office (513-946-3000) and/or the City of Cincinnati Prosecutor’s Office (513-352-5333).

4. Give written notification of the victim's right to contact the Police Department to learn the status of the case, if the victim is not notified of the arrest of the offender in the case.

   NOTE: Information contained in subsections 2, 3, and 4 above will be attached to the inside back cover of the Attorney General's booklet.

B. Distribution of the above listed material will be made in the following manner:

1. A copy will be given to the victim and/or the victim’s family on the first contact by the reporting officer.

2. If the victim and/or the victim’s family are unable to understand the significance of the information, it will be given on the second contact by the investigating officer.

3. A copy will be given to the victim, and/or the victim’s family by mail if it was not given on the first contact and there is no second contact in person (includes those specified offenses reported through Telephone Crime Reporting Unit).

   a. Mailing of information will be the responsibility of the affected district.

      1) Responsibility for mailing will be determined by the district commander.

C. Transporting of victim/witnesses
1. Transportation of victims and/or witnesses for any duty related function is limited to official equipment only.

D. The follow-up investigator will give the victim and/or the victim’s family the following information:

1. Business phone number of the investigator.

2. Notification when the defendant is arrested and if the defendant is eligible for pretrial release.

3. A contact phone number of the Police Department to ascertain whether the defendant has been released.

   a. When an arrest is made at the time of an offense and no investigator is assigned to the case, the arresting officer will give the victim the above listed information.

E. The follow-up investigator is responsible for providing the following assistance to crime victims/witnesses:

1. Explain the procedures involved in the prosecution of the case/s.

2. If the impact upon the victim or witness was unusually severe, make periodic contacts to determine if their needs are being met.

3. Attempt to schedule interviews, etc. at the convenience of the victim or witness.

4. Any investigator may contact VALU/CCROW for questions or concerns related to victims or witnesses of violent crime.

5. Advise the victim of a felony offense that the Victim/Witness Division of the Hamilton County Prosecutors’ office will assign an advocate to provide assistance as needed at the Grand Jury hearing. The Rape Crisis and Abuse Center contacts all victims of domestic violence and offers advocate services to those victims.

F. The Police Department will return the property of the victim or witness as soon as possible unless one of the following applies:

1. There is a dispute of ownership.

2. It is evidence, contraband, or property used in committing an offense as defined in ORC sections listed below:

   a. ORC Section 2933.41, Disposition of property held by law enforcement agency; written internal control policy; records and reports; funding citizens’ reward programs.
b. ORC Section 2933.42, Offenses involving contraband, forfeiture of property used in committing violations.

c. ORC Section 2933.43, Procedure for seizure and forfeiture of contraband; law enforcement agency authorized to use, destroy, or sell forfeited contraband; distribution of proceeds of sale.

3. If the defendant in a case files a motion to retain the property of the victim because the property is needed for the defense in the case, the Police Department will retain the property until the court rules on the motion.

G. The U.S. Courts Probation and Parole will notify CIS of prisoners who have been released from the federal system on supervised release and have been convicted of a crime of violence or a drug trafficking.

1. CIS will advise the affected district or agency of the prisoner's early release.

   a. The district receiving the information from CIS will make a blotter entry.

2. The Rapid Indictment Program supervisor will distribute this information at the next Investigative Supervisors' meeting.

H. The Department of Youth Services (DYS) will notify CIS of prisoners who have been released and will be in a half-way house or community control.

1. CIS will advise the affected district or agency of the juvenile’s early release.

   a. The district receiving the information from CIS will make a blotter entry.

2. The Rapid Indictment Program Supervisor will distribute this information at the next Investigative Supervisor’s meeting.

I. CIS is notified of any AWOL Military personnel

1. CIS will notify the affected district agency and the fugitive unit.

J. The VALU/CCROW Unit will:

1. When appropriate, provide a needs-assessment and serve as a liaison between the investigator and the victim/witness.

2. Maintain contact with the victim/witness and report back to the investigator.

3. Provide accompaniment to court when appropriate and/or necessary.
a. The advocate will sit with victim/witness/family during the court proceedings when needed.

b. Assist with transportation to and from court appearances when appropriate and/or necessary.

4. Advise the investigator, victims, witness and family members of any court changes and outcomes.

5. Offer support, information, and referral to outside resources when necessary.

6. Assist with related paperwork such as victim compensation or court documents.