

ALBUQUERQUE POLICE DEPARTMENT
*** PROCEDURAL ORDERS***

Effective: 02/12/97; 01/08/96; Replaces 10/27/95
97-POC12; 97-POC2

2-25 VICTIM/WITNESS ASSISTANCE

POLICY:

It is the policy of the Albuquerque Police Department to provide assistance to victims and witnesses of crime in cooperation with other state and local agencies and as provided for by state and local law.

RULES:

2-25-1 CONFIDENTIALITY

The confidentiality of victims and witnesses will be maintained and their role in case development will be kept confidential to the extent consistent with applicable law.

2-25-2 INFORMATION TO BE PROVIDED TO VICTIMS AND WITNESSES

A. Initial/Preliminary Investigation

At the time the initial/preliminary investigation is conducted, the primary officer will provide the following information to the victim(s) and witnesses:

1. In all cases:
 - a. The officer's business card with the Incident Number (CAD) indicated on the back.
 - b. Emergency and non-emergency phone numbers available 24 hours a day:
 - Police Emergency Dispatch (911)
 - Police Non-Emergency Dispatch (242-COPS)
 - c. Police case follow-up information (Criminal Investigations Division, or Substations)
2. A Domestic Violence Packet, as outlined in FSB SOP on Domestic Violence
3. A Notification For Victims of Violent Crimes brochure (PD Form 3086) as outlined by Statute 31-26-1 through 31-26-14 for the following types of crimes:

arson resulting in bodily injury
aggravated arson
aggravated assault
aggravated battery
dangerous use of explosives
negligent use of a deadly weapon
murder
voluntary manslaughter
involuntary manslaughter
kidnapping

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criminal sexual penetration
criminal sexual contact of a minor
homicide by vehicle
great bodily injury by vehicle
abandonment or abuse of a child

4. A Notification for Victims of Property Crimes brochure (PD Form 3088) for Burglaries, Larceny, and other crimes as deemed appropriate.
5. A Misdemeanor Crime Victim Information Sheet (PD Form 3087) when a victim needs to file a private complaint or needs further guidance on misdemeanor crime assistance.
6. A number to call to report any additional information and/or to receive follow-up information about a case, i.e. Substation or Criminal Investigations Division. (This number should be indicated on the officer's business card.)
7. The District Attorney's Victim **Impact** Program number (841-7020) for victims of violent crimes. The advocates can provide comprehensive victim assistance which includes emotional support, criminal justice information, assistance in filing Crime Victims Reparation applications for medical, funeral and psychological counseling expenses, notification and support for next-of-kin, referrals and crisis intervention.
8. A Traffic Accident Information Card at accident scenes.
9. If there are no leads at the time of the preliminary investigation, and the initial officer is closing the case, pending further leads, officers shall advise the victim of that fact so as to not give false hope to the victim.
10. 911 operators/police dispatchers will provide information to victims/witnesses regarding services available. This will be accomplished through the 24-hour telephone system in the Communications Division.

B. Follow-Up Investigations

If an officer or detective conducts a follow-up investigation, the following information will be provided to the victim/witness either verbally or by using handout material:

1. Update on victim/witness on the case status.
2. Explanation of process involved in prosecution of their case and their role in prosecution.

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3. **Additional requirements imposed on the victim/witness such as attending line-ups, interviews, and other required appearances that will be arranged at the convenience of the victim/witness. The Department, if feasible will provide transportation of the victim/witness to the required appearance.**
4. The victim/witness will be informed of the following regarding property taken from them as evidence:
 - a. Property will be returned to them as quickly as possible after the conclusion of the case.
 - b. Where and when the victim/witness may retrieve the property.
 - c. **An explanation to the victim/witness that property that is considered contraband, in dispute of ownership, and/or weapon(s) used in the commission of a crime may not be returned in accordance with applicable laws or rules of evidence.**
5. **The availability of District Attorney Victim Impact Program.**

2-25-3

RESPONSE TO THREATS OR INTIMIDATION OF VICTIMS/WITNESSES

- A. Victims and witnesses will be advised to notify the police department immediately, any time they are threatened or intimidated. Appropriate assistance will be provided to any victim/witness including, but not limited to:
 1. Advising the victim/witness on procedures and process for reporting, filing, and prosecuting intimidation of a witness/victim, as outlined in NM State Statute 30-24-3.
 2. Initiating the appropriate investigation.
 3. Advising the victim/witness of any additional services available.
- B. Officers will inform other agencies of threats or intimidation of a victim/witness, if necessary, when the victim/witness or suspect is located in a different jurisdiction.

2-25-4

DOMESTIC VIOLENCE REPORTS AND NOTIFICATION OF VICTIMS

- A. The following language will be incorporated in every incident report involving domestic abuse:

"The arrest of offender was in whole or in part based upon probable cause to believe, he/she committed domestic abuse against the victim."

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- B. The arresting officer at the scene of a domestic abuse incident will ask the victim the following:
1. Telephone number where he/she may be contacted personally, or if a telephone number is not available;
 2. The officer will ask for a telephone number where a message can be left for the victim in order to provide notification, or in those instances where a telephone number is not available,
 3. The officer will get an address where notification can be made.
 4. The arresting officer will notify APD Communications (via added remarks) of the telephone number and/or address where the victim can be notified.
- C. APD Booking and BCDC Procedures
1. The pre-booking slip contains a section that indicates domestic abuse arrest and a section for the CAD number. The arresting officer must indicate domestic abuse arrest and will supply the BCDC booking clerk the CAD number.
 2. BCDC will make every reasonable attempt to notify APD Communications at 833-7202 when the offender has been released. BCDC will advise APD Communications of the CAD number the offender was booked under.
 3. APD Communications will then make every reasonable attempt to notify the victim that the offender has been released from custody.
 4. In cases where a telephone is not available, APD Communications will create a "10-10" event and dispatch the arresting officer to make notification at the victim's location. When the arresting officer is no longer on duty or when he/she is busy on another call, the next available officer will be dispatched to make notification.

2-25-5

ABUSED WOMEN'S ACTIVE RESPONSE EMERGENCY PROGRAM
(A.W.A.R.E.)

This program will assist in the protection of battered victims who have exhausted all avenues of protection in order to receive priority police response. The Victims Impact Program and the District Attorney, in cooperation with the **Victim/Witness Assistance**, will determine who is eligible to participate in the program.

- A. The affected Area Command and the APD Communications Section will be notified by the District Attorney Victims **Impact** Program when an alarm is issued to a victim for use.

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- B. Once an alarm is activated, ADT Alarm Company will notify APD Communications using the 911 emergency line.
1. Communications will dispatch a priority **1**, 10-15 A.W.A.R.E. alarm call.
 2. Officers who respond to these calls will initiate an Offense/Incident report and forward a copy of the report to the **Victim/Witness Assistance Unit**.
 3. Officers will indicate in the report if the activation was a true or false alarm.
- C. The **Victim/Witness Assistance Unit** will be responsible for checking these residences at least a month to ensure the victim is following all set criteria for continued participation in this program.

2-25-6 **STALKING INVESTIGATIONS**

A. **Terminology:**

1. **Stalking: An act of on-going, cognizant pattern of behavior that can and/or does cause a reasonable person to feel intimidated, threatened and/or frightened.**
2. **Cyber-Stalking: The use of the Internet, email, or other electronic communication devices to stalk another person.**
3. **Aggravated Stalking: Stalking perpetrated by a person who:**
 - a. **Knowingly violates a permanent or temporary order of protection, and/or**
 - b. **Violates a court order with conditions of release or bond, and/or**
 - c. **Is in possession of a deadly weapon, and/or**
 - d. **Victimizes a person that is 16 years of age or less.**

B. **Investigative Responsibilities**

1. **Upon being made aware of or dispatched to a possible stalking case, officers/detectives will:**
 - a. **Conduct a preliminary investigation of all stalking cases.**
 - b. **Thoroughly investigate every case to the exhaustion of all immediate leads.**

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- c. With approval of a supervisor, contact the Family Abuse and Stalking Training Team (F.A.S.T.T. Unit) on-call detective for all stalking with exception of political stalking or stalking by the mentally disturbed.
 - For political stalking contact the Intelligence Unit.
 - For Mentally disturbed persons contact the Crisis Intervention Team (C.I.T.)
 - d. Upon coordinating the investigation with the appropriate investigative unit, take any initial enforcement action including arrest, summons or application for arrest warrant(s).
 - e. Contact the Computer Forensics Unit at 823-4200 for assistance if investigations involve electronic devices.
2. The Family Abuse and Stalking Training Team (F.A.S.T.T.) will:
- a. Investigate all stalking cases that occur within the city of Albuquerque, with exception of political stalking or stalking involving the mentally disturbed as described above.
 - b. Coordinate investigative efforts with other investigative units when necessary.
 - c. Conduct complete investigations to include:
 - 1) Any prior stalking convictions or activities the suspect has had, and
 - 2) Submission of the case to the District Attorney's Office for prosecution.