

Dealing With Victims and the Public

BLET: 130

TITLE: DEALING WITH VICTIMS AND THE PUBLIC

Lesson Purpose: To provide students with information to effectively communicate and interact with the public in a wide variety of situations, fostering cooperation, for more effective resolutions.

Training Objectives: At the end of this block of instruction, the student will be able to achieve the following objectives in accordance with information received during the instructional period.

1. Advise crime victims of the correct procedures to pursue prosecution in misdemeanor, felony, and civil cases.
2. Explain in writing the step-by-step court procedures to suspects, victims, and witnesses.
3. List the eligibility requirements to receive assistance from the North Carolina Victims Compensation Services and explain in writing the procedures to contact the Victim Compensation Services to request assistance.
4. Utilizing the material provided in class, correctly recognize and provide the appropriate assistance to the following groups of individuals:
 - a. Autistic
 - b. Hearing impaired/deaf
 - c. Visually impaired/blind
 - d. Mobility impaired
 - e. Elder persons or persons having Alzheimer's disease
5. Identify and conduct a preliminary investigation of a "Suspected Hate Crime" by utilizing the eight criteria learned in class.
6. Demonstrate, with practical exercises, the appropriate methods of communicating with suspects, defendants, victims, and/or their families to provide and/or obtain necessary information for

Dealing With Victims and the Public

civil rights compliance, perhaps limited English proficient populations.

Hours: Ten (10)

Instructional Method: Lecture/Conference/Practical Exercise/Skill Practice

Required Equipment and Training Aids:

Audio-visual classroom equipment

Video recording equipment

Videos:

Dealing With Victims and the Public Series, NCJA (2013)

Includes video, *Autism Awareness for Law*

Enforcement and Community Service Personnel,

provided by the Autism Society of North Carolina.

References:

Adler, Ronald B. and George Rodman. *Understanding Human Communication*. New York: Harcourt Brace College Publishers, 1994.

Bledsoe, Bryan E.; Robert S. Porter; and Bruce R. Shade. *Brady Paramedic Emergency Care* Second Ed. Englewood Cliffs, NJ: Prentice Hall Career & Technology, 1994.

Cox, Steven M. and Jack Fitzgerald. *Police in Community Relations*. Chicago: Brown & Benchmark, 1996.

“Dealing With Victims and the Public.” *Basic Law Enforcement Training*. Salemburg, NC: North Carolina Justice Academy, 1993.

Debbaudt, Dennis. *Autism, Advocates, and Law Enforcement Professionals: Recognizing and Reducing Risk Situations for People with Autism Spectrum Disorders*. London: Jessica Kingsley Publishers, Ltd., 2002.

Erickson, W. Lee and S. von Schrader, “2008 Disability Status Report: North Carolina.” Cornell University Rehabilitation Research and Training Center on Disability Demographics and Statistics (2010). [On-line]. Available at: <http://www.disabilitystatistics.org/reports/report.cfm?fips=2037000> [March 2013].

Dealing With Victims and the Public

Hennessey, Stephen M. *Thinking Cop Feeling Cop*. Scottsdale: Leadership, Inc., 1995.

McConnell, James V. *Understanding Human Behavior* 8th Ed. Fort Worth, TX: Harcourt Brace College Publishers, 1994.

Minnick, Lynn Jett. *The Victim Goes To Court, A Victim Guide*. Fayetteville, NC: People Assisting Victims, 1990.

North Carolina, *General Statutes*. (2012) 15A-824, "Definitions."

North Carolina, *General Statutes*. (2012) 15A-825, "Treatment due victims and witnesses."

North Carolina *General Statutes*. (2012) 15A-831, "Responsibilities of Law Enforcement Agency."

North Carolina Manual 2003-2004. Raleigh: Secretary of State's Office.

North Carolina Office on Disability and Health. *Guide to Achieving the Fundamental Elements of Accessibility*. Chapel Hill, NC: The University of North Carolina at Chapel Hill – FPG Child Development Institute, 2007.

"Patrol Techniques." *Basic Law Enforcement Training*. Salemburg, NC: North Carolina Justice Academy, 1994.

Snyder, E. Lorraine. *Hate Crime Reporting: Patrol Response*. Salemburg, NC: North Carolina Justice Academy, 1992.

Snyder, E. Lorraine. *Hate Crime Reporting: Verification*. Salemburg, NC: North Carolina Justice Academy, 1992.

"Special Populations." *Basic Law Enforcement Training*. Salemburg, NC: North Carolina Justice Academy, 1993.

Trojanowicz, Robert and Bonnie Bucqueroux. *Community Policing*. Cincinnati: Anderson Publishing Co., 1990.

Dealing With Victims and the Public

Prepared By: Lorraine Snyder Galloway
Instructor/Coordinator
NC Justice Academy

Jonathan Babb
Assistant Attorney General
NC Department of Justice

Major Wrenn Johnson
Morehead City Police Department

Lt. Henrietta “Hank” Lane
Caldwell County Sheriff’s Office

Lewis Ledford
District Superintendent
NC State Parks and Recreation

Eric Slatt
Community Police Coordinator
Wadesboro Police Department

Date Prepared: August 1997

Reviewed By: Kathy Moore
Agency Legal Specialist
North Carolina Justice Academy

Date Reviewed: December 1998
November 2000

Revised By: Jon Blum
Instructor/Coordinator
North Carolina Justice Academy

Date Revised: March 1999

Revised By: Kathy Moore
Agency Legal Specialist
North Carolina Justice Academy

Date Revised: July 1999
January 2000

Dealing With Victims and the Public

Revised By: Jon Blum
Kathy Moore

Date Revised: November 2000
November 2001

Revised By: Ed Zigmund
Agency Legal Specialist
North Carolina Justice Academy

Date Revised: February 2003

Revised By: Peggy Schaefer
Training Manager
North Carolina Justice Academy

Date Revised: April 2004

Revised By: Marsha Davis Jones
Executive Director
Autism Foundation of North Carolina

Robert B. Yow
BLET Curriculum Coordinator
North Carolina Justice Academy

Date Revised: January 2005
July 2005

Revised By: Tom Ditt, Ginger Jones, and Lawrence Shockey
NC Division of Services for the Deaf and Hard of Hearing

Grey Powell
Governor's Advocacy Council for Persons with Disabilities

Lucy Zastrow
Durham County Sheriff's Office

Date Revised: January 2007

Revised By: Robert B. Yow
BLET Curriculum Coordinator
North Carolina Justice Academy

Dealing With Victims and the Public

Date Revised: July 2007
January 2008
July 2009
January 2010

Revised By: BLET Revision Committee

Date Revised: July 2011

Revised By: Jennifer H. B. Fisher, M.S.
BLET Curriculum Coordinator
North Carolina Justice Academy

Date Revised: July 2012
January 2013
July 2013

Dealing With Victims and the Public

TITLE: DEALING WITH VICTIMS AND THE PUBLIC – Instructor Notes

1. This lesson plan must be presented by an instructor currently certified by the North Carolina Criminal Justice Education and Training Standards Commission as a General Instructor.
2. The instructor who teaches this block of instruction should have a thorough working knowledge of the BLET instructional blocks, *Ethics for Professional Law Enforcement* and *Communication Skills for Law Enforcement Officers*. These blocks complement each other regarding how law enforcement officers present themselves to the public in various circumstances.
3. It is highly recommended that the instructor have law enforcement field experience interacting with citizens with disabilities.
4. The instructor must also be familiar with Chapter 143B of the General Statutes which explains laws regarding victims' compensation.
5. Instructors should consult the local chapters for services of

- coalition for battered women
- rape crisis intervention
- victim assistance coordinators
- male batterer's intervention program
- parent advocates of children with autism

for assistance, or adding to this block of instruction for guest speakers. In particular, assistance in enhancing the material on autism can be obtained by contacting the Autism Society of North Carolina. The BLET Revision Committee strongly encourages the use of this resource as well as the use of the video, *Autism Awareness Video for Law Enforcement and Community Service Personnel*. This video has been made available at no cost to all BLET delivery sites courtesy of the Autism Society of North Carolina.

6. Practical Exercise Instructions, "Victim Communication Role Plays"

- a) Purpose of exercise

In this segment, the instructor should indicate this exercise provides practice for the following objective:

Demonstrate, with practical exercises, the appropriate methods of communicating with suspects, defendants, victims, and/or their families to provide and/or obtain necessary information. It should be emphasized that communications includes body language and not just words. A significant

Dealing With Victims and the Public

element of any form of communication by law enforcement personnel must include the body language and demeanor to encourage being approachable by anyone.

b) Conditions of exercise

- (1) The exercise will take place after instruction is complete.
- (2) The exercise will take approximately 30 minutes.
- (3) The exercise will take place in the classroom. The instructor may have to rearrange tables and chairs for adequate accommodation of the skill practice.
- (4) The whole class (approximately 20 students) should be able to participate in a two-minute skill practice. The instructor should allow participants to roleplay/skill practice as many of the situations as time permits. (A list of situations is provided in the “What Are the Best and Most Appropriate Methods of Communication With the Public” section of instruction in this outline.)
- (5) In order to provide adequate feedback to the student, it is strongly recommended that role play exercises be videotaped. Students should be allowed the opportunity to view the tape and assess their performance. The tape should provide an excellent teaching tool. If video equipment is not available, the instructor may designate students to take notes to be used in the assessment of the exercise.
- (6) The instructor should be looking for effective communication indicators such as rate of speech, voice tone, diction, etc.; nonverbal indicators should also be noted (posture, eye contact, gestures, touching, etc.). A presence of, or a notable lack of good communications skills should be brought to the student’s attention. Remind the students that officers with good communication skills are perceived to be professional by those with whom they are communicating.

c) Procedures for conducting the exercise

- (1) The instructor can make up the facts for each situation.
- (2) Each roleplay/skill practice will take approximately two minutes.

Dealing With Victims and the Public

- (3) As time allows, each student should participate in at least one of the following role play exercises (this list is not meant to be all inclusive and the instructor should add to the list scenarios deemed appropriate for the exercise):
- (a) Rape victim - initial response.
 - (b) Explaining to rape victim the investigative process.
 - (c) “Man with a gun” - two suspects present.
 - (d) Neighborhood dispute - two neighbors present.
 - (e) Talking to parents of missing child – helping them to communicate.
 - (f) Interviewing two (2) witnesses of a crime (with conflicting stories).
 - (g) Interviewing suspects involved in a domestic dispute.
 - (h) Interviewing suspects involved in a burglary - following a foot chase.
 - (i) Discuss with parents the alternatives for a child using drugs.
 - (j) Inform a mother that her child has been arrested for a serious crime.
 - (k) Explain the investigative process to the parents of a molested child.
 - (l) Interviewing subjects involved in a minor traffic accident (both irate).
 - (m) Interviewing a Latino male that has been assaulted because of his ethnicity.

d) Evaluation

Instructors will critique the student’s performance after each scenario and provide appropriate feedback.

Dealing With Victims and the Public

7. To promote and facilitate law enforcement professionalism, three (3) ethical dilemmas are listed below for classroom discussion. At their discretion, instructors must provide students with each ethical dilemma listed below. Sometime during the lecture instructors should “set the stage” for the dilemma prior to taking a break. Instructors are encouraged to develop additional dilemmas as needed.
 - a) Upon arriving at the scene of a rape call, you observe a female (dressed very scantily) being interviewed by another officer. As you approach, you overhear your partner say, “If you didn’t dress like this, this probably wouldn’t have happened to you.” What will you do?
 - b) Subsequent to the interview of a rape victim, which revealed some very intimate information about her sex life and details of the rape, your partner begins to make jokes and divulge information about the personal life of the victim to other officers. What will you do?
 - c) You are assigned to foot patrol. While on patrol you observe another officer cursing a homeless person and telling him to get a job. What will you do?

Dealing With Victims and the Public

TITLE: DEALING WITH VICTIMS AND THE PUBLIC

I. Introduction

NOTE: Show slide, “Dealing With Victims and the Public.”

A. Opening Statement

Perhaps the primary quality needed for a good law enforcement officer is the ability to interact effectively with people. The outstanding officer must be able to communicate effectively with all citizens and use authority appropriately. The business of law enforcement is to interact with people having no issues as well as interact with people in trouble, people who are injured, people who have been victimized, and most commonly, people who are in some type of crisis situation. All of these groups together make up our general population. Many have a culturally different background or are disabled. Each of these people form opinions concerning the officer, the department the officer represents, and the law enforcement profession based on these contacts. Effectively handling these encounters means each officer must develop the ability to adapt or alter the way he or she handles people from one encounter to another.¹

Just as important to the professional law enforcement officer is a working knowledge of psychology. Although the officer cannot make a clinical assessment of an individual with whom the officer has contact, every officer must have the knowledge to identify, evaluate, and control efficiently and safely a person requiring special consideration.² Special populations are those with a mental, emotional, cognitive, or physical disability.

Although this lesson plan discusses and teaches interaction with diverse citizens within our general population, officers should apply professional, approachable communication skills with everyone. In the United States there are approximately 36 million persons with disabilities, about 12% of the population. Estimates indicate that up to 13% of all North Carolina residents are disabled. Based on the 2008 North Carolina Disability Status Report, this percentage would project 1,186,500 persons with disabilities in North Carolina (i.e., visual, hearing, ambulatory, cognitive, self-care, and independent living).³

Later in this block of instruction, we will discuss the “public” at length—victims, persons with different types of disabilities, and the populous as a whole.

B. Training Objectives

Dealing With Victims and the Public

NOTE: Show slides, “Training Objectives.”

As you can see from the objectives, “common courtesy” is not enough. To be a really outstanding officer requires an “uncommon” ability to deal with a wide variety of difficult situations frequently under trying conditions. Dealing effectively with people requires knowledge, good communication skills, and professional attitudes.⁴

C. Reasons⁵

During this class period, we will discuss various ways that crime victims may react immediately after the crime; those needs of the crime victims which are relevant to the officer’s treatment of the victim; and effective techniques for the officer in assisting the victim in crisis, both on the scene and/or during the investigation. We shall also learn the advantages to be derived from the use of these techniques.

Being a law enforcement officer means being a public servant. Providing services to the public comes in many different forms, and does not mean just arresting people. As officers, we encounter many different types of people in many different situations. In order to effectively assist citizens and victims, officers must learn to adapt themselves to respond appropriately to these various encounters. It is the responsibility of officers to stay educated about the public they serve.

A clear understanding of the nature of the job to be done and fundamental attitudes and skills for responding effectively with people can:

NOTE: Show slide, “Reasons.”

1. Increase confidence in law enforcement
2. Increase cooperation with law enforcement
 - a) Information/development witnesses/gather intelligence
 - b) Direct assistance
 - c) Indirect assistance (budget, salaries, etc.)
3. Minimize complaints/civil suits
4. Protect officers

Dealing With Victims and the Public

- a) Physically
 - b) Mentally
5. Maintaining the professional status of officers in the view of the public

NOTE: Discuss with students how each officer's level of professionalism impacts the perceptions of citizens on an individual basis as well as on a national scale.

II. Body

A. What Is a Victim?⁶

NOTE: Show slide, "What Is a Victim."

A victim may be defined as an individual who suffers physical, financial, or emotional harm as the result of the commission of a crime. This also includes secondary victims such as family members, close friends, and neighbors of a direct victim or perhaps described as "survivors" in the case of an attempted homicide.

Victims feel a loss of control, of trust and values, along with a strong sense of isolation and loneliness. Generally, the more invasive the criminal violation is, the more intense the victim's feelings are.

The impact of a crime makes some victims feel as though they are in shock or traumatized by what they have experienced. The physiological response is from the trauma that they have been exposed. Shock is manifested in a variety of ways. Some victims become numb and disoriented. Unable to absorb the impact of the crime, they may seem dazed and carry on automatically. Feeling totally helpless, a victim may look to others for reassurance and direction. A victim may regress to feelings of childhood and look to the officer as a parent figure to "make things right." Others may be immobilized and appear to be frozen in their tracks.

The effects of trauma can be described by some as a shattering of innocence, creating a feeling of not being safe from harm. Trauma can take on a life of its own and, through its continued effects, can haunt the survivor and prevent normal life from continuing until the person gets help. Disbelief and denial are common reactions. Others may react with guilt and self blame, or with anger, tears, or hysteria. All of these reactions are normal.

Dealing With Victims and the Public

A victim's anger toward the offender is sometimes overwhelming. Not having a means to vent their anger, a victim may turn it on the officer who is trying to help. Although a natural reaction is to return anger with anger, officers should not react, and let the victim vent. It is healthier for the victim and may actually help in the healing process.

A helpful response by the officer is to acknowledge the anger without taking it personally. A good response could be, "You have a right to be angry, I would be angry too." This allows the victim to blow off steam and keeps the contact with the victim productive.

Officers must realize that the emotions endured by the victim defy definition. As the body of a third-degree burn victim is wracked with physical pain, so some victims of crime are wracked with emotional pain.

B. How Does a Victim Pursue Prosecution?

Just as there are different types of crimes, there are different means of pursuing prosecution of these crimes. The average victim of crime is unaware of options and will be looking to you, the law enforcement officer, for not only consolation, as mentioned above, but also for advice in reference to "what can I do now?"

NOTE: Show slide, "Prosecution?"

1. Misdemeanor crimes

Depending upon the type of crime, the victim may have to visit the local magistrate to swear out a warrant for misdemeanor crimes that he or she witnessed.

For misdemeanor cases to which law enforcement detectives or officers are assigned, when an arrest is made in the case, the warrant is typically taken out by the officers. Victims must be encouraged to cooperate throughout the process by using a victim-centered approach, officers will be more likely to engage the victim and maintain their cooperation.

2. Felonies

Felony cases are usually investigated by law enforcement before warrants are issued, unless the felony occurred in the officer's presence. After investigation, the officer requests the warrant from the magistrate or obtains a bill of indictment through the district

Dealing With Victims and the Public

attorney's office. Victims can still request warrants, however, and can discuss the matter with the law enforcement agency and magistrate.

3. Civil situations

For civil remedies in court, the victim may contact his/her own private attorney for advice, for filing the necessary documents to get the case into court, and for representation of the victim's interest in the courtroom. For remedies through small claims court (Magistrate's Court) or for domestic violence orders, a victim should contact the clerk of court of the jurisdiction in which the problem occurred. Victims of domestic violence, dating violence, sexual assault and stalking are able to access legal relief in both the civil and criminal system as victims of violence per the Violence Against Women's Act 2000 which became effective 2003. It further states that no court costs shall be assessed for filing, issuance, registration, service of a protective order, petition of a protective order, or witness subpoena in compliance with the Violence Against Women's Act.

C. The Court System in North Carolina⁷

NOTE: Show slide, "North Carolina Court System."

The legislature instituted a reorganization of the North Carolina court system in the late 1960's. Prior to that, the court system had levels ranging from many different local courts to the N.C. Supreme Court. Concerned citizens, the Governor and the North Carolina Bar Association urged this move to bring uniformity to the court system. In 1965, the Administrative Office of the Courts was formed and by 1967 the court system we presently know was put into place.

1. The Supreme Court of North Carolina

The Supreme Court has no jury, and it makes no determinations of fact; rather, it considers error in legal procedures or in judicial interpretation of the law and hears oral arguments on the written record of cases previously tried by the superior courts, district courts, Court of Appeals, and certain administrative agencies and commissions.

The only original case jurisdiction exercised by the Supreme Court is in the censure and removal of judges upon the non-binding recommendations of the Judicial Standards Commission. Appeals

Dealing With Victims and the Public

from the Court of Appeals to the Supreme Court are by right in cases involving constitutional questions, and cases in which there has been dissent in the Court of Appeals. In its discretion, the Supreme Court may review Court of Appeals decisions in cases of significant public interest or cases involving legal principles of major significance. As a matter of right, appeals from Superior Court go directly to the Supreme Court in first degree murder cases in which the defendant has been sentenced to death or life imprisonment, and in Utilities Commission general rate cases. In all other cases, appeal as of right is to the Court of Appeals. In its discretion, the Supreme Court may hear appeals directly from the trial courts in cases of significant public interest, cases involving legal principles of major significance, where delay would cause substantial harm, or when the Court of Appeals docket is unusually full.

2. The North Carolina Court of Appeals

The bulk of the caseload of the Court of Appeals consists of cases appealed from the trial courts. The Court also hears appeals directly from certain administrative agency decisions. The Court sits in panels of three judges, thus allowing arguments in separate cases to be heard at the same time. The Court sits primarily in Raleigh, but as need is demonstrated and facilities become available, it may be authorized by the Supreme Court to sit in other places throughout the state.

3. The Superior Court

North Carolina's superior courts are the general jurisdiction trial courts for the state. Original jurisdiction of the superior court includes all felony cases. Most misdemeanors are tried first by a district court judge, from which conviction may be appealed to the superior court for trial de novo by a jury. The superior court is the proper court for the trial of civil cases where the amount in controversy exceeds \$10,000, and it has jurisdiction over appeals from certain administrative agencies. Regardless of the amount in controversy, the original civil jurisdiction of the superior court does not include domestic relations cases, or probate and estates matters and certain special proceedings that are heard first by the clerk of superior court.

The 100 counties are grouped into superior court districts. Each district has at least one senior resident superior court judge who

Dealing With Victims and the Public

has certain administrative responsibilities for his or her home district.

The vast majority of counties require more than the constitutional minimum of two weeks of superior court annually, and some larger counties have superior court sessions about every week in the year.

4. The District Court

The reorganization of the 1960's provided for the establishment of a uniform system of district courts throughout the state. The Clerk of Superior Court is required to maintain a system of consolidated records of both the superior court and the district court.

The district court has exclusive original jurisdiction of virtually all misdemeanors and infractions (non-criminal violations of the law not punishable by imprisonment), probable cause hearings in felony cases, all juvenile proceedings, involuntary commitments and recommitments to mental health hospitals, and domestic relations cases. It has exclusive jurisdiction of civil cases where the amount in controversy is \$10,000 or less. Jury trial is provided upon demand, in civil cases. An appeal in a civil case is to the Court of Appeals on questions of law only. No jury is authorized in criminal cases. An appeal in criminal cases is to superior court, where a jury hears evidence and decides the facts of the case.

5. Magistrates

With the establishment of the district courts in the counties, the office of justice of the peace was abolished and replaced by the newly fashioned position of magistrate. Magistrates function within the district court as subordinate judicial officials. Magistrates operate with less authority and discretion than old justices of the peace, and with more supervision, but have extensive authorities within the district court division. They are empowered to try certain misdemeanor worthless check cases and civil suits designated as small claims cases, to accept written appearances, waivers of trial, and pleas of guilty or admissions of responsibility in certain misdemeanor and infraction cases, to conduct initial appearances, grant bail before trial in noncapital cases, and issue arrest and search warrants. Certain magistrates may also appoint counsel for defendants.

6. District Attorneys

Dealing With Victims and the Public

North Carolina is divided into prosecutorial districts, each having a district attorney who is elected for a four-year term. The district attorney represents the state in all criminal actions brought in the superior and district courts in the district, and is responsible for ensuring that infraction cases are prosecuted efficiently. In addition to prosecutorial functions, the district attorney is responsible for calendaring criminal cases for trial.

7. Clerks of Superior Court

The clerk of superior court has jurisdiction to hear and decide special proceedings (such as adoptions, condemnations, partitions, and foreclosures), is ex officio judge of probate, and performs record-keeping and administrative functions for both the superior and district courts of the county.

8. County functions

NOTE: Show slide, “County Functions.”

Each county has the duty to adequately furnish and maintain a courthouse with at least one courtroom and related facilities. In certain municipalities where the General Assembly has authorized additional seats of district court, the court facilities are provided by the municipalities.

The sheriff of each county, one of the sheriff’s deputies, another law enforcement officer or a civilian appointed by a sheriff performs the duties of bailiff. The bailiff opens and closes courts, carries out directions of the judge in maintaining order, takes care of jurors when they are deliberating on a case, and otherwise assists the judge. The five main duties of a bailiff are court crier, security, jurors, witnesses, and prisoners. A court recorder is required to record the proceedings in most of the cases tried in the Superior Court. Jurors are drawn for each term of court.

9. The order of events leading to and following through criminal court

NOTE: Show slides, “Order of Events.”

a) Fair treatment for victims and witnesses

Under 15A-824 and 825, the legislature has encouraged the employees of law enforcement, prosecution offices and the

Dealing With Victims and the Public

judicial department to make a reasonable effort to assure that each victim/witness within their jurisdiction:

- (1) “Is provided information regarding immediate medical assistance when needed and is not detained for an unreasonable length of time before having such assistance administered.
- (2) Is provided information about available protection from harm and threats of harm arising out of cooperation with law enforcement prosecution efforts, and receives such protection.
- (3) Is provided information that testimony as to one’s home address is no relevant in every case, and that the victim or witness may request the district attorney to raise an objection should he/she deem it appropriate to this line of questioning in the case at hand.
- (4) Has any stolen or other personal property expeditiously returned by law enforcement agencies when it is no longer needed as evidence, and its return would not impeded an investigation or prosecution of the case. When feasible, all such property, except weapons, currency, contraband, property subject to evidentiary analysis, and property whose ownership is disputed, should be photographed and returned to the owner within a reasonable period of time of being recovered by law enforcement officials.
- (5) Is provided appropriate employee intercession services to seek the employer’s cooperation with the criminal justice system and minimize the employee’s loss of pay and other benefits resulting from such cooperation whenever possible.
- (6) Is provided, whenever practical, a secure waiting area during court proceedings that does not place the victim or witness in close proximity to defendants and families or friends of defendants.

Dealing With Victims and the Public

- (7) Is informed of the procedures to be followed to apply for and receive any appropriate witness fees or victim compensation.
- (8) Is informed of the right to be present throughout the entire trial of the defendant, subject to the right of the court to sequester witnesses.
- (9) Is given the opportunity to be present during the final disposition of the case, if he has requested to be present or be informed.
- (10) Is notified, whenever possible, that a court proceeding to which he has been subpoenaed will not occur as scheduled.
- (11) Has a victim impact statement prepared for consideration by the court.
- (12) Prior to the trial, is provided information about plea bargaining procedures and is told that the district attorney may recommend a plea bargain to the court.
- (13) Is informed that civil remedies may be available and that statutes of limitation apply in civil cases.
- (14) Upon the victim's written request, is notified before a proceeding is held at which the release of the offender from custody is considered, if the crime for which the offender was placed in custody is a Class G or more serious felony.
- (15) Upon the victim's written request, is notified if the offender escapes from custody or is released from custody, if the crime for which the offender was placed in custody is a Class G or more serious felony.

NOTE: Discuss the Statewide Automated Victim's Assistance Notification System (SAVAN).

Dealing With Victims and the Public

- (16) Has family members of a homicide victim offered all the guarantees in the section except section (1).”⁸

“‘Crime’ means a felony or serious misdemeanor as determined in the sole discretion of the district attorney, except those included in Crime Victims’ Rights Act, or any act committed by a juvenile that, if committed by a competent adult, would constitute a felony or serious misdemeanor.

‘Family member’ means a spouse, child, parent or legal guardian, or the closest living relative.

‘Victim’ means a person against whom there is probable cause to believe a crime has been committed.”⁹ Although not defined by the statute, there may be secondary victims, meaning people who view themselves as being impacted by the crime. Although not eligible for victim assistance under the statute, they may need to be referred to counseling of other resources available to assist them in coping with their level of involvement.

“‘Witness’ means a person who has been or is expected to be summoned to testify for the prosecution in a criminal action concerning a felony or is likely to be called as a witness for the prosecution in such an action, whether or not an action or proceeding has been commenced.”¹⁰

- b) Mandatory duties

NOTE: Show slide, “Mandatory Duties for Law Enforcement Officers.”

According to the Crime Victims’ Rights Act, the following mandatory duties for law enforcement officers are defined.

“As soon as practicable but within 72 hours after identifying a victim covered under G.S. 15A-830, the investigating law enforcement agency must provide the victim with the following information:

- (1) The availability of medical service, if needed.

Dealing With Victims and the Public

- (2) The availability of crime victims' compensation funds under Chapter 15B of the General Statutes and the address and telephone of the agency responsible for dispensing the funds.
- (3) The address and telephone of district attorney's office that will be responsible for prosecuting the victim's case.
- (4) The name and telephone number of an investigating law enforcement agency employee whom the victim may contact if the victim has not been notified of an arrest in the victim's case within six months after the crime was reported to the law enforcement agency.
- (5) Information about an accused's opportunity for pretrial release.
- (6) The name and telephone number of investigating law enforcement agency employee whom the victim may contact to find out whether the accused has been released from custody.
- (7) An informational sheet described in 50B-3(c1) if there was a personal relationship as defined in 50B-1(b) with the accused.

As soon as practicable, but within 72 hours after the arrest of a person believed to have committed a crime as described in 50B-3(c1), the arresting law enforcement agency shall inform the investigating law enforcement agency of the arrest. As soon as practicable, but within 72 hours of being notified of the arrest, the investigating law enforcement agency shall notify the victim of the arrest.

As soon as practicable, but within 72 hours after receiving notification from the arresting law enforcement agency that the accused has been arrested, the investigating law enforcement agency shall forward to the district attorney's office that will be responsible for prosecuting the case, the defendant's name and the victims' name, address, date of birth, social security number, race, sex, and telephone number, unless the victim refuses to disclose any or all of the information, in which case, the investigating law

Dealing With Victims and the Public

enforcement agency shall so inform the district attorney's office.

Upon receiving the information, the victim shall, on a form provided by the investigating law enforcement agency, indicate whether the victim wishes to receive any further notices from the investigating law enforcement agency on the status of the accused during the pretrial process. If the victim elects to receive further notices during the pretrial process, the victim shall be responsible for notifying the investigating law enforcement agency of any changes in the victim's name, address, and telephone number."¹¹

c) Investigating crimes

Crimes are investigated by the appropriate law enforcement officer/agency. Some agencies have officers designated as investigators, while other agencies add the investigative function to previously assigned duties. Other agencies have specially designated investigative units.

The services of the State Bureau of Investigation (S.B.I.) are available to all law enforcement agencies upon request of the sheriff or chief of police. Generally the district attorney is involved in such a request.

d) Arrest by law enforcement officer (G.S. 15A-401)

NOTE: Show slide, "Arrests."

G.S. 15A-401 (Arrest by law enforcement officer) reads as follows:

- (1) Arrest by officer pursuant to a warrant.
 - (a) Warrant in possession of officer – An officer having a warrant for arrest in his possession may arrest the person named or described therein at any time and at any place within the officer's territorial jurisdiction.
 - (b) Warrant not in possession of officer – An officer who has knowledge that a warrant for arrest has been issued and has not been executed, but who does not have the warrant

Dealing With Victims and the Public

in his possession, may arrest the person named therein at any time. The officer must inform the person arrested that the warrant has been issued and serve the warrant upon him as soon as possible. This subdivision applies even though the arrest process has been returned to the clerk under G.S. 15A-301.

- (2) Arrest by officer without a warrant.
 - (a) Offense in presence of officer – An officer may arrest without a warrant any person who the officer has probable cause to believe has committed a criminal offense in the officer's presence.
 - (b) Offense out of presence of officer – An officer may arrest without a warrant any person who the officer has probable cause to believe:
 - i) Has committed a felony; or
 - ii) Has committed a misdemeanor, and:
 - Will not be apprehended unless immediately arrested, or
 - May cause physical injury to himself or others, or damage to property unless immediately arrested; or
 - iii) Has committed a misdemeanor under G.S. 14-72.1.
 - (c) Subdivisions (a) and (b) shall apply to arrest for assault, for communicating a threat, assault by pointing a gun, or for domestic criminal trespass, already committed or being committed by an individual who falls within one of the six categories of personal relationships as defined under 50B-1.

Dealing With Victims and the Public

(3) Arrest procedures

(a) An arrest is complete when:

- i) The person submits to the control of the arresting officer who has indicated his/her intention to arrest, or
- ii) The arresting officer, with intent to make an arrest, takes a person into custody by the use of physical force.

(b) Upon making an arrest, a law enforcement officer must:

- i) Identify himself/herself as a law enforcement officer unless his identity is otherwise apparent,
- ii) Inform the arrested person that he is under arrest, and
- iii) As promptly as is reasonable under the circumstances, inform the arrested person of the cause of the arrest, unless the cause appears to be evident.

e) The right to a bail hearing

NOTE: Show slide, “Right to a Bail Hearing.”

A person who is arrested has the right to a bail hearing before the trial. The judicial official can set other conditions for release in addition to bail.

- (1) “Upon a determination by the judicial official that the immediate release of the defendant will pose a danger of injury to the alleged victim or to any other person or is likely to result in intimidation of the alleged victim and upon a determination that the execution of an appearance bond as required by G.S. 15A-534 will not reasonably assure that such

Dealing With Victims and the Public

injury or intimidation will not occur, a judicial official may retain the defendant in custody for a reasonable period of time while determining the conditions of pretrial release.

- (2) A judicial official may impose the following conditions on pre-trial release:

NOTE: Show slide, “Pre-Trial Release Conditions.”

- (a) That the defendant stay away from the home, school, business or place of employment of the alleged victim;
- (b) That the defendant refrain from assaulting, beating, molesting, or wounding the alleged victim;
- (c) That the defendant refrain from removing, damaging or injuring specifically identified property;
- (d) That the defendant may visit his or her child or children at times and places provided by the terms of any existing order entered by a judge.

The conditions set forth above may be imposed in addition to requiring that the defendant execute a secured appearance bond.” G.S. 15A-534.1 Crimes of domestic violence; bail and pretrial release.

NOTE: Remind the students that bail is used only for narrow purposes defined by law and not as imprisonment for past crimes or punishment for a defendant who has been difficult to arrest.

- f) Initial appearance before a magistrate

NOTE: Show slide, “Initial Appearance Before A Magistrate.”

The accused is taken before a magistrate who decides whether bond is to be set and if appropriate, the type and

Dealing With Victims and the Public

amount of bond. The magistrate also sets a first appearance date for the defendant to appear before a district court judge for felony offenses. For misdemeanor offenses, the magistrate sets the court date. Certain magistrates may also appoint counsel for defendants.

Every misdemeanor merits a court appointed attorney.

- g) First appearance before a district court judge

NOTE: Show slide, “First Appearance Before A District Court Judge.”

At the first appearance, the judge reads the charge and appoints an attorney if the defendant cannot afford one. If the charge is a felony, the judge sets the date for a probable cause hearing. The district court judge also reviews bond.

- h) Probable cause hearing

NOTE: Show slide, “Probable Cause Hearing.”

The probable cause hearing, formerly referred to as the preliminary hearing, is held in felony cases to determine whether the state has enough evidence to take the case before the grand jury. The defendant may waive his right to a probable cause hearing. Ordinarily the victim need not be present at the probable cause hearing.

- i) The grand jury

NOTE: Show slide, “The Grand Jury.”

The grand jury is comprised of eighteen people whose duty is to determine if the state has enough evidence to show the accused person probably committed the crime for which charged. After the evidence has been reviewed, the grand jury returns a “no bill” if there is insufficient evidence, or a “true bill” if enough evidence is presented. Twelve of eighteen people must agree.

The grand jury serves a one-year term, nine of the members rotate off every six months.

- j) The arraignment (for Superior Court only)

Dealing With Victims and the Public

NOTE: Show slide, “Arraignment.”

Arraignment refers to the actual process of bringing the defendant before the judge in open court and informing him of the charges pending against him and directing him to plead. At this time, the defendant usually pleads guilty or not guilty. If the defendant does not wish to admit his guilt or to contest the state’s charges, he may enter a plea of “nolo contendere.” If the defendant enters a plea of guilty or nolo contendere, he may be sentenced. If he pleads not guilty, a trial date is set.

- k) The pre-trial process

NOTE: Show slide, “Pre-Trial Process.”

After the arraignment, the district attorney and the defense attorney may enter into a plea bargain agreement in which the defendant agrees to plead guilty in return for a reduced charge or a lighter sentence which may have been received if the case were to go to trial. The substance of their agreement must be disclosed to the judge who can approve, modify, or reject the plea arrangement.

- l) Discovery

NOTE: Show slide, “Discovery.”

Discovery is the process by which attorneys for both prosecution and defense obtain certain information pertinent to the trial from each other.

The defense is not automatically entitled to interview the witness for the state prior to trial; neither is it forbidden. It is the victim’s privilege to refuse to talk with the defense or any member of his/her staff prior to trial.

Victims should be advised of right not to talk; what they may say to the defense or to the press can and will be used against them in court.

- m) Pre-trial hearing

NOTE: Show slide, “Pre-Trial Hearing.”

Dealing With Victims and the Public

The trial judge meets with the district attorney, the defendant, and the defense attorney prior to trial to make sure that the discovery materials have been subpoenaed and are available, and to take care of any other pre-trial matters including motions.

After the completion of the above and after the judge has ruled on any pre-trial motions, the case is put on the court docket for trial.

- n) The trial

NOTE: Show slide, “The Trial.”

The trial is a formal examination of the facts of a case by a jury to determine whether the defendant has committed the crime charged. If you are a witness, you will receive a subpoena. A subpoena will be issued and you will probably be contacted by the prosecutor or a member of his/her staff to discuss your testimony prior to trial.

- o) The trial process

NOTE: Show slide, “The Trial Process.”

- (1) Selection of the jury

Prospective jurors are questioned by both the prosecutor and the defense attorney about their knowledge of the case and whether they are acquainted with either of the attorneys, the victim, the defendant, or any witnesses.

The twelve persons agreed upon comprise the jury. Two alternate jurors are selected to replace any jurors who may be unable to complete the trial. Following the jury selection, the jurors are seated in the jury box and given instructions about the trial procedure by the judge.

- (2) Opening statements

Although there is no requirement for an opening statement, as a general rule the presiding judge

Dealing With Victims and the Public

offers the attorneys the opportunity to make an opening statement in which both attorneys will tell the jury what they expect to prove during the trial.

(3) The prosecution

This is the portion of the trial in which the prosecutor presents the physical evidence and testimony of the witnesses. The prosecutor must prove to the jury “beyond a reasonable doubt” that a crime was committed and that the defendant on trial is the person who committed it.

As a witness for the prosecution, you will first be questioned by the prosecutor (direct examination), after which the defense attorney will question you (cross examination).

If the district attorney asks a question which the defense attorney thinks is improper, the defense attorney will object. At that point the judge must either sustain or overrule the objection.

The witness should stop talking when the defense objects and wait for the judge’s ruling. If the objection is sustained, the question must not be answered. If it is overruled, the witness may continue the testimony. In any event, the witness will be told whether to continue the testimony. Also, a witness must be given the opportunity to explain an answer if the witness feels it is necessary.

If the question has already been answered when the objection is made, the judge may instruct the jury to disregard the answer. This means that the jury cannot consider that particular information when deciding the defendant’s guilt.

(4) The defense

Although there is no obligation to do so, the defense attorney usually presents witnesses to testify on behalf of the defendant. The prosecutor must convince the jury of the defendant’s guilt beyond a

Dealing With Victims and the Public

reasonable doubt in order to convict the defendant. The defense has to prove nothing and under the Fifth Amendment of the U.S. Constitution, a defendant is not required to testify. Remember that in any criminal trial the defendant is presumed innocent until proven guilty. If the defense attorney feels that the prosecution has not proven the defendant's guilt, a motion may be made to dismiss at the close of the state's case without presenting any evidence and resting the case at any time.

(5) The State's rebuttal

If the defendant does present witnesses and evidence, the prosecutor has the opportunity to rebut any statements made during the defenses case.

The attorneys use the phrase "the State (or defense) rests" to indicate that all the evidence has been presented and all the witnesses have been heard.

(6) Closing arguments

The closing argument is where both attorneys are given the opportunity to present their contentions to the jury.

(7) Instructions to the jury

Following the closing arguments, the judge instructs the jury on the law as it applies to this case and how they must base their decision on the evidence which has been presented.

(8) Jury deliberation

Following instructions from the judge, the jury goes to a separate and private room (referred to as the jury room) where they elect a foreman who serves as spokesperson. Once the foreman has been selected, the jury reviews all the evidence presented in the case including the testimony of all the witnesses. They then vote as to the guilt of the defendant. If they are all in agreement, they send

Dealing With Victims and the Public

word to the judge that they have reached a verdict (decision).

(9) Announcement of the verdict

The court is reconvened when the judge is notified that a verdict has been reached. The jury is brought back into the courtroom where the judge asks the foreman if the jury has reached a verdict. After the foreman responds to the question, the judge asks that the verdict be given to the court clerk who then reads the verdict aloud. The defense may request the judge to poll the jury. This means that each juror will be asked if he or she voted for the verdict that was delivered.

(10) The sentencing

Sentencing in a crime which carries a possible death penalty necessitates a second session of the court called the “sentencing phase.” At this time the defense can call character witnesses to testify on the behalf of the defendant. The state may also present evidence. Then both attorneys are again permitted to address the jury. Following additional instructions from the judge, the jury again returns to the jury room to decide the sentence to be imposed. The announcement of the sentence follows the same procedure as the announcement of the verdict. If the death penalty is imposed, the defense usually asks that the jury be polled. Although the jury makes the decision, it is the judge who pronounces the sentence.

In cases which do not carry a possible death penalty, the duty of the jury is confined to deciding whether the defendant is guilty as charged. Sentencing is the duty of the judge. The judge may receive evidence from both the state and defense bearing on sentence, such as the defendant’s prior criminal record or lack thereof.

A victim has the right to offer admissible evidence of the impact of the crime which must be considered by the court or jury in sentencing the

Dealing With Victims and the Public

defendant. The evidence may include the following:

- (a) A description of the nature and extent of any physical, psychological, or emotional injury suffered by the victim as a result of the offense committed by the defendant.
 - (b) An explanation of any economic or property loss suffered by the victim.
 - (c) A request for restitution and an indication of whether the victim has applied for or received compensation under the Crime Victims Compensation Act (15A-833).
- p) The appeal

NOTE: Show slide, “The Appeal.”

There is right of appeal directly to the North Carolina Supreme court for defendants convicted of first-degree murder who receive the death sentence. Defendants have the right to appeal their conviction to the North Carolina Court of Appeals.

The function of the appellate courts is to determine whether there were any errors in the trial court process. The appeal may take eighteen months or more, and during this time the defendant may be out on bail. Bail decision in part depends on the type of crime for which the defendant was convicted. Other considerations include whether the defendant is a danger to the community or to an individual and whether the defendant is likely to leave the jurisdiction to avoid serving the sentence once appeal is decided.

The convicted murderer who is sentenced to death has numerous appeals which may include the Supreme Court of the United States.

- q) Responsibilities of the agency with custody of the defendant (15A-836)

NOTE: Show slide, “Responsibilities of the Agency with Custody of the Defendant.”

Dealing With Victims and the Public

When a form is included with the final judgment and commitment (G.S. 15A-832(g)), or when the victim has filed a written request for notification with the custodial agency, that agency must notify the victim of:

- (1) Projected release date if the sentence exceeds 90 days of confinement.
- (2) The defendant's escape from custody within 72 hours unless the victim notifies the agency in writing of a specific threat by the defendant against the victim, then the notification should be as soon as possible and within 24 hours.
- (3) The defendant's capture within 24 hours.
- (4) Release date of defendant; the minimum notification time is 7 days.

D. Crime Victims Compensation¹²

NOTE: Show slide, "Crime Victims Compensation."

Another avenue victims of crime may wish to pursue is victim's compensation. The North Carolina Crime Victims Compensation Commission was created by the North Carolina Crime Victims Compensation Act to provide financial assistance to innocent victims of crime as a result of being injured from criminal conduct.

1. The North Carolina Crime Victims Compensation Commission is housed within the North Carolina Department of Public Safety. The Office of Victim Services provides the staff for the North Carolina Victims Compensation Commission. Two separate and distinct programs administered by the Office of Victim Services are:
 - a) Crime Victims Compensation Program - established by the North Carolina Crime Victims Compensation Act
 - b) Rape Victims Assistance Program - established by N.C. General Statute 143B-1200 and 143B-1201 (separate from the North Carolina Crime Victims Compensation Commission and the North Carolina Crime Victims Compensation Act)

Dealing With Victims and the Public

2. Who is a victim under the North Carolina Crime Victims Compensation Act?

NOTE: Show slide, “Who Is a Victim?”

The North Carolina Crime Victims Compensation Act defines a victim as “a person who suffers personal injury or death proximately caused by criminally injurious conduct.” Criminally injurious conduct is defined as “conduct that by its nature poses a substantial threat of personal injury or death, and is punishable by fine or imprisonment or death, or would be so punishable but for the fact that the person engaging in the conduct lacked the capacity to commit the crime under the laws of this state.”

Criminally injurious conduct generally does not include conduct arising out of the ownership, maintenance, or use of a motor vehicle when the conduct is punishable only as a violation of other provisions of Chapter 20 of the General Statutes. But criminally injurious conduct does include conduct that amounts to an offense involving impaired driving as defined in G.S. 20-4.01(24a), and conduct that amounts to a violation of G.S. 20-166 if the victim was a pedestrian or was operating a vehicle moved solely by human power or a mobility impairment device. Criminally injurious conduct also includes an act of terrorism, as defined in 18 U.S.C. ‘2331, that is committed outside of the United States against a citizen of this state.

3. Who is eligible?

NOTE: Show slide, “Who Is Eligible?”

A claim under the North Carolina Crime Victims Compensation Act may be filed by:

- a) A victim
- b) A dependent of a deceased victim
- c) A third person who is not a collateral source and who provided benefit to the victim or his family other than in the course or scope of his employment, business, or profession (i.e., friend, neighbor)

Dealing With Victims and the Public

- d) A person who is authorized to act on behalf of a victim, a dependent, or a third person described in c
- e) A victim of human trafficking even if not a U.S. citizen

The claimant, however, may not be the offender or an accomplice of the offender who committed the criminally injurious conduct.

4. Who is not eligible?

NOTE: Show slide, “Who Is Not?”

- a) An award of compensation shall be denied if:
 - (1) The claimant fails to file an application for an award within two years (for conduct occurring after December 1, 1998) after the date of the criminally injurious conduct that caused the injury or death for which the claimant seeks the award.
 - (2) The economic loss is incurred after one year from the date of the criminally injurious conduct that caused the injury or death for which the victim seeks the award, except in the case where the victim for whom compensation is sought was 10 years old or younger at the time the injury occurred. In that case, an award of compensation will be denied if the economic loss is incurred after two years from the date of the criminally injurious conduct that caused the injury or death for which the victim seeks the award.
 - (3) The criminally injurious conduct was not reported to a law enforcement officer or agency within 72 hours of its occurrence, and there was no good cause for the delay.
 - (4) The award would benefit the offender or the offender’s accomplice, unless a determination is made that the interests of justice require that an award be approved in a particular case.
 - (5) The criminally injurious conduct occurred while the victim was confined in any correctional facility.

Dealing With Victims and the Public

- (6) The victim was participating in a felony at or about the time that the victim's injury occurred (revisions to the act in 1999 do not require automatic disqualification because of cohabitation.)
- b) A claim may be denied and an award of compensation may be reduced:
 - (1) Upon a finding of contributory misconduct by the claimant or a victim through whom the claimant claims; however, contributory misconduct that is not a proximate cause of becoming a victim shall not lead to an automatic denial of a claim.
 - (2) A claim may be denied or reduced if the victim was participating in a nontraffic misdemeanor at the time of the injury.
 - (3) Upon finding that the claimant or victim has not, without good cause, fully cooperated with appropriate law enforcement agencies or in the prosecution of criminal cases with regard to the criminally injurious conduct that is the basis for the award.
 - (4) To the extent that the economic loss upon which the claim is based is or will be recouped from a collateral source. (The existence of a collateral source that would pay expenses directly related to a funeral, cremation, and burial, including transportation of a body, shall not constitute grounds for the denial or reduction of an award of compensation.)
- c) A claim may be denied upon a finding that the claimant has been convicted of any felony classified as a Class A, B1, B2, C, D, or E felony under the laws of North Carolina and that such felony was committed within 3 years of the time the victim's injury occurred.
- d) Compensation for replacement services loss, dependent's economic loss, and dependent's replacement services loss may not exceed two hundred dollars (\$200.00) per week (maximum of 26 weeks [\$5,200.00] total). Compensation

Dealing With Victims and the Public

for work loss and household support loss may not exceed three hundred dollars (\$300.00) per week for a maximum of 26 weeks.

5. What may not be paid?

Compensation may not be paid for a loss of personal property or for any expense paid by insurance of other collateral sources (except funeral expenses). There is no recovery under the North Carolina Crime Victims Compensation Act for pain and suffering or for injury and/or loss resulting from a crime punishable solely under Chapter 20, except for DWI and hit and run (so if injured by DWI or hit and run, the victim can recover).

NOTE: Show slide and refer to handout, “Crime Victims Compensation Commission Application.”

Note: The Crime Victims Compensation Act is separate from the Crime Victims’ Rights Act. That Act mandates that the court consider an order of restitution to the victim.

NOTE: Show slide and refer to handout, “Help for Victims of Crime.”

6. Investigation of a claim

NOTE: Show slide, “Investigating Claims.”

- a) Every claim that is filed is investigated by the Commission staff to determine that:
 - (1) A crime was committed that resulted in physical injury or death.
 - (2) The victim did not contribute to his or her injuries by contributory conduct.
 - (3) The victim was not participating in criminal activity at the time of the injury.
 - (4) The crime was reported to law enforcement within 72 hours.
 - (5) The victim cooperated with law enforcement agencies.

Dealing With Victims and the Public

(6) All other requirements were met under the Act.

- b) It is the North Carolina Crime Victims Compensation Commission's responsibility to determine if a claim should be paid or should be denied. Law enforcement officers should not feel that they are burdened with this decision. Once the officer informs a victim of the assistance available, the Commission staff will investigate the claim.

7. Fraudulent claims

NOTE: Show slide, "Fraudulent Claims."

If an individual files a claim containing false statements or claims, they are subject to criminal prosecution and are civilly liable to the North Carolina Crime Victims Compensation Commission for all monies paid on their fraudulent claim.

8. Assistance Program for Victims of Rape and Sex Offenses

NOTE: Show slide, "Assistance Program for Victims of Rape and Sex Offenses."

- a) N.C. General Statutes '143B-1200 established an Assistance Program for Victims of Rape and Sex Offenses within the North Carolina Department of Crime Control and Public Safety. The program provides for victims of: first-degree rape, second-degree rape, first-degree sexual offense, second-degree sexual offense, statutory rape, or attempted first-degree or second-degree rape or attempted first-degree or second-degree sexual offense or attempted statutory rape. A forensic medical examination is free to victims.

As first responders, law enforcement officers should know that if they send a rape victim to the hospital, the forensic medical examination is free. Not only does federal law mandate that victims have the option to report, but also, that states must provide for a free medical examination whether or not the victims decide to report to law enforcement.

- b) Compensation that may be paid to victims of rape and sex offenses

Dealing With Victims and the Public

Compensation may be allowed for medical expenses (forensic medical examinations are free and not billed to the victim, whether reported to law enforcement or not), lost wages, funeral expenses, and/or replacement services. The maximum amount payable is \$30,000.00, except an additional \$5,000.00 may be paid for funeral expenses (in that case, maximum of \$35,000.00).

NOTE: Show video, *Dealing with Victims and the Public* –“Victims of Sexual Assault” (9.5 minutes).

NOTE: Show slide and refer to handout, “Protocol for Assisting Sexual Assault Victims.” Review applicable victim information.

E. Providing Appropriate Assistance to Special Groups

We have been discussing the courts, victims, compensation, etc. What if the victim of a crime had special needs? What if the victim were deaf or blind? What is Alzheimer’s Disease? How do you know if a person has Alzheimer’s. How can you recognize a disability and assist a person? What is a hate crime? The rest of this outline will be devoted to these issues.

1. Below are some commonly accepted principles and theories regarding persons diagnosed with autism spectrum disorder (ASD).

NOTE: Show slide, “Autism Spectrum Disorder.”

Autism spectrum disorder (ASD) is a developmental disability that first manifests before the age of three and seriously impairs development of communication and social skills. People with ASD also have a restricted range of behaviors (e.g., frequent engagement in repetitive behaviors such as hand flapping or pacing) and interests. Autism spectrum disorder (ASD) is thought to be a spectrum disorder, which manifests on a continuum that may also include Asperger’s Syndrome and Pervasive Developmental Disorder Not Otherwise Specified, two developmental disabilities similar to ASD. The degree of impairment in ASD can range from mild to severe, and individuals with ASD function with varying degrees of independence. Males are four times more likely to have ASD than females.

- a) Behavioral profile elements for individuals with ASD¹³

Dealing With Victims and the Public

- (1) May also have a seizure disorder.
- (2) May have an unusual gait (e.g., pigeon-toed or toe walk).
- (3) May react to sudden changes in routine or to sensory input (e.g., loud noises like sirens, flashing lights) with an increase in repetitive bizarre behaviors such as hand-flapping, hitting self or screaming (temper tantrums are an expected response to fear, confusion or frustration).
- (4) May move or run away when approached and not respond to “stop.”
- (5) May be nonverbal (up to 50% of this population); may communicate with sign language, picture cards or gestures. If verbal, they may often repeat what is said to them by others.
- (6) May have difficulty recognizing and repairing communications breakdowns such as responding to requests for clarification; may not understand or accept statements from others; may have difficulty understanding jokes or sarcasm.
- (7) May seem argumentative, belligerent or stubborn by saying “no!” in response to all questions, or constantly asking “why?”
- (8) When uncomfortable, may engage in repeated questions, arguments or apparent ramblings about favorite topics.
- (9) May have flat monotonous voice with unusual pronunciations; may have difficulty using the correct volume for the situation (e.g., may be too loud or too soft).
- (10) May seem like a poor listener; lack of eye contact may make it seem like the person is not listening or hiding something.

Dealing With Victims and the Public

- (11) May have difficulty interpreting body language, such as defensive posture or facial expressions.
 - (12) May have difficulty judging appropriate boundaries of personal space and may stand too close or too far away.
 - (13) May have difficulty seeing things from a different point of view; may have difficulty predicting others' reactions to their behavior.
 - (14) Are usually very honest, blunt and not tactful; do not lie well.
 - (15) May not recognize danger of injury; may have limited help-seeking skills; may be unable to distinguish between serious problems; may not know where/how to seek help; may be unable to provide important information or answer questions.
 - (16) May not recognize law enforcement vehicles, badges or uniforms, or understand what is expected of them when interacting with law enforcement officers (e.g., may be unaware that keeping hands in pockets or reaching into a pocket without explanation will be viewed as threatening).
- b) Methods to deal with persons who have ASD¹⁴
- (1) Evaluate for injury; the person may not ask for help or experience normal pain even though injury is obvious.
 - (2) Look for medical alert jewelry or tags; the person may have a seizure disorder.
 - (3) If possible, contact family members or caregiver and seek advice about how to communicate with the individual, as well as possible techniques for helping the individual calm down.
 - (4) Use direct, short phrases emphasizing key words such as "stand up," "go to the car," etc. Allow for delayed responses to questions or commands and positively reinforce appropriate responses.

Dealing With Victims and the Public

- (5) Avoid non-literal expressions such as “what’s up your sleeve?” or “are you pulling my leg?”
- (6) Speak calmly and repeat commands. Speaking loudly will not improve understanding. Model calming body language (e.g., slow breathing and keeping hands low).
- (7) Avoid language or behaviors that could appear threatening. Use low gestures to get attention, avoid rapid pointing or waving, and assure the person you do not intend to hurt them.
- (8) Look and wait for response or eye contact; may prompt “look at me,” but do not interpret limited eye contact as deceit or disrespect.
- (9) Consider use of sign language and picture or phrase books if available.
- (10) Be aware of the person’s self-protective responses to lights, sounds or touch.
- (11) If possible, turn off sirens and flashing lights; remove canine partners, onlookers and other sources of sensory stimulation from the scene.
- (12) If possible, avoid touching the person, especially near the shoulders or face; avoid standing too close in their personal space; do not stop the person’s repetitive behaviors (e.g., hand flapping or pacing) as engaging in these behaviors should help the individual calm down.
- (13) If the person’s behavior escalates, maintain a safe distance until the behavior decreases, but stay alert to the possibility of additional outbursts or impulsive acts.
- (14) If the person’s actions become self-injurious or a threat to yourself or others, physical restraint may become necessary. Because people with ASD often have an underdeveloped trunk, abdomen and shoulder muscles, do not cross their arms in front of

Dealing With Victims and the Public

them or hold them from behind as this may compromise their diaphragm. For the same reason, do not place them on their stomach.

- (15) A more effective restraint method is to have people on each side of the individual hold the upper arms and wrists. After placing the individual on the ground, they should be released and provided with safe space to continue engaging in repetitive behaviors for self-calming.
- (16) If someone is taken into custody and it is suspected they may have ASD, to reduce the risk of injury or abuse, ask jail authorities to segregate the individual from the general population prior to a mental health evaluation.

NOTE: The BLET Revision Committee strongly encourages the use of a guest resource through the Autism Society of North Carolina or a local chapter, as well as the video *Autism Awareness Video for Law Enforcement and Community Service Personnel*.

- 2. Serving people who are deaf or hard of hearing¹⁵

NOTE: Show slide, “Deaf Persons.”

- a) Pertinent information

- (1) Deaf and hard of hearing people can do anything you can except hear.
- (2) Their barrier to communication comes from the difficulty in transmitting and/or receiving language orally.
- (3) The majority of deaf or hard of hearing individuals can effectively communicate by using such auxiliary means of communications as:

Sign language
Lip reading
Reading/writing
Hearing aids/assistive listening devices

Dealing With Victims and the Public

- (4) Clues to alert you to the fact that a person is **deaf** or hearing impaired are as follows:
 - (a) They appear to be alert but fail to respond to any noise or sounds.
 - (b) They may point to their ears, or to the ear and mouth.
 - (c) They may speak with a flat or harsh unintelligible monotone.
 - (d) They may write notes instead of speaking.
 - (e) They may wear a hearing aid or cochlear implant.
- b) Methods for communicating with people who are **deaf** and hard of hearing
 - (1) The **deaf** or hearing impaired individual may use one of the following types of communication:
 - (a) Sign Language - Whenever needed, secure a qualified interpreter. (It may be necessary to use a family member in an emergency situation, but only until a licensed, qualified interpreter arrives.)
 - (b) Writing Notes – For many people who were born **deaf**, American Sign Language (ASL) is their native language. ASL is a gestural and conceptional language without written communication to be successful, the **deaf** person must be fluent in English (frequently the second language), much like a Spanish-speaking person trying to communicate using English.
 - (c) Lip Reading - Be sure to face **deaf** persons when speaking to them and use normal tone and expression. Even in ideal conditions with good lighting, only 30% to 40% of the English language is visible on the lips.

Dealing With Victims and the Public

- (2) It is the service provider's responsibility to provide effective communication. To meet this requirement, you should ask the individual what accommodations will best meet their communication needs.
- (3) Keep your eyes on the person's hands. Deaf people have been stopped by an officer and then shot and killed because the deaf person made a quick move for a pen and pad in his or her coat pocket or glove compartment. These unfortunate incidents can be prevented by mutual awareness which overcomes the lack of communication.

NOTE: Show video, *Dealing with Victims and the Public* –“Interacting with Deaf Individuals” (5 minutes).

3. Below are some commonly accepted principles and theories regarding persons who are visually impaired or blind.¹⁶

NOTE: Show slide, “Blind.”

As an officer, it is your responsibility to treat all citizens equally under the law. This is the single most important thing to remember when you encounter a person who is visually impaired.

- a) Definition

Legally blind is corrected visual acuity of 20/200 or less in the better eye or visual field contraction of 20 degrees or less. There is no such thing as a stereo-typical blind person. Not all are totally blind. In fact, 80% have some remaining vision. The degree to which this vision may affect mobility depends on the person.

For example, persons who are visually impaired with tunnel vision may be able to see well enough to identify you as an officer when you approach them, but may need your assistance in spotting oncoming traffic before you cross the street.

- b) Pertinent information

- (1) Mobility is a daily issue in the lives of the blind.

Dealing With Victims and the Public

- (2) There are two primary ways for a blind person to achieve independent mobility: the guide dog and the “white” cane.
 - (3) Only 5% of people who are visually impaired use dogs. A guide dog is trained to respond to the commands of the master, and to exercise “intelligent disobedience,” i.e., to refuse a command that could bring harm to the master. For example, a guide dog will refuse to cross the street if there is an oncoming car, but they are not trained to defend their master.
 - (4) The long red and white canes are the more commonly used mobility tools. Short ones with rubber tips are used for support, while the long slender canes are swung systematically in front of the user. Orientation and mobility training are required in order to acquaint the person who is visually impaired to use a white cane.
 - (5) Many blind people can hear and understand what is being said as well as sighted persons.
- c) Methods for working with the visually impaired or blind person
- (1) When encountering a blind person who requires assistance or appears lost, identify yourself immediately by saying, “I am a police officer, may I be of assistance?”
 - (2) When assisting a visually impaired pedestrian, have the person take your arm just above the elbow. He or she follows the movement of your body. When you come to a curb or a set of steps, he or she feels you rise or descend and moves easily beside you. Of course, it is an extra help for you to say something like, “here is the curb,” etc.
 - (3) Never push the person ahead of you, and remember, during the entire process to be very verbal about what is happening and the environment. Elderly persons with severe disabilities may need more

Dealing With Victims and the Public

physical support. Also weather (icy or slippery conditions) may require more assistance.

- (4) Encourage sighted people in your patrol area to keep sidewalks clear. This additional courtesy will enable visually impaired persons in the neighborhood to walk without the fear of tripping over objects.
- (5) Use verbal directions and identify yourself as an officer. If you are doing traffic duty in the middle of an intersection, your first thought may be to waive the blind person through with a hand signal. Realize that he or she does not see you.
- (6) Use your normal voice volume. Most visually impaired persons can hear and do not need interpreters.
- (7) If you are involved in a case dealing with a blind victim, remember that the victim can describe the suspect by relying on his/her other senses.
- (8) Not seeing does create special fears. You will have to be aware of this when you aid the victim, and when you attempt to secure the description of the suspect.

Obviously, blind people are at a disadvantage during personal attacks because they cannot see their attackers to anticipate where they are going to be hit, and defend or protect themselves accordingly. Similarly, they cannot see if they are going to need any protection. If you notice these fears in your victim:

- (a) Reassure the person that your presence will help protect them.
 - (b) Make follow-up phone calls for a week or two, if time permits.
- (9) Providing knowledge of the surroundings will put the blind person at ease after the crime and help reorient him/her to his/her location.

Dealing With Victims and the Public

- (10) Making the victim feel safe and comfortable in the environment will ease the victim's trauma and will help the investigation.
- (11) Obtain the maximum benefit from the visually impaired and blind witnesses by having them utilize their own senses.
- (12) Blind people are likely to remember voices that they have heard before. Voices and sounds can be analyzed and used for the following:
 - (a) Identification
 - (b) Direction
 - (c) Distance
 - (d) Volume
 - (e) Number of sounds
 - (f) Quality of sounds
- (13) A blind person is likely to form a description of someone based on touch. Remember that certain things that sighted people identify by seeing can also be identified by touch, such as:
 - (a) Facial hair
 - (b) Skin texture
 - (c) Hair length
 - (d) Clothing and items worn (open necked, cotton shirt, glasses, hat, etc.)
 - (e) Height and weight
- (14) Ask if they can see and what they saw because many legally blind persons can see well.

Dealing With Victims and the Public

- (15) Also, remember that blind persons cannot read or fill out police forms and other printed documents. They will need your assistance with these materials. Some can sign their name, some cannot.
 - (16) Many blind people read through a system of raised dots known as braille. The braille system is as effective for the blind as printed words are for the sighted.
 - (17) Notify court personnel that notices to appear in court and related documents should be both sent and communicated by telephone. Although most blind people have mail read to them, documents communicated by phone call are an additional courtesy.
- d) You should be aware of G.S. 20-1752, Right-of-way at intersections for blind:

At any street, road, or highway crossing or intersection where movement of traffic is not regulated by a traffic officer or by traffic-control signals, any blind or partially blind pedestrian shall be entitled to the right-of-way at such crossing or intersection, if such blind or partially blind pedestrian shall extend before him at arm's length a cane white in color or white tipped in red, or if such person is accompanied by a guide dog.

NOTE: Show video, *Dealing with Victims and the Public* – “Interacting with Visually Impaired Individuals” (4 minutes).

4. Effective methods for dealing with mobility impaired persons

NOTE: Show slide, “Mobility Impaired.”

Mobility impairments occur in approximately 6% of the population and are generally the result of congenital defects, accidents, disease, or combat.

People who have mobility impairments are like everyone else except that they require assistant devices. However, they still face two kinds of barriers in society--architectural and attitudinal.

Dealing With Victims and the Public

Architectural barriers include stairways, doors that are too narrow for wheelchairs, curbs on sidewalks, and parking lots without designated handicapped spaces.

Attitudinal barriers are usually more subtle, but are easily recognized by persons with mobility impairments. Reactions of disgust, pity, or discomfort are often expressed verbally and nonverbally by able-bodied people.

Do not express these avoidance reactions or attitudinal barriers when you deal with a person who has a mobility impairment. Remember, your job is to treat everyone equally under the law.¹⁷

a) Implications of mobility impairment

Persons who are mobility impaired experience functional limitations affecting one or more of their limbs, and having trouble moving from one place to another. Therefore, certain equipment and devices are designed to aid them in these movements. Some of the more common assistive devices are:

- (1) Wheelchairs
- (2) Crutches
- (3) Braces
- (4) Canes

b) Methods to deal with mobility impaired persons

- (1) Speak directly to the person in a normal tone of voice and normal speech.
- (2) Convey an attitude of acceptance and understanding.
- (3) Show respect for the person.
- (4) Use positive nonverbal messages through such means as posture, eye contact, and tone of voice.
- (5) If the person is a victim and if you are not sure, ask the person if they have a disability.

Dealing With Victims and the Public

- (6) Ask the person if they need assistance.
- (7) Most persons who are mobility impaired have accepted and adapted to their disabilities, but an assault (physical or verbal) may make them feel helpless.
- (8) Since mobility impairments are visible handicaps, those who have been physically assaulted may blame their impairment for the vulnerability it has caused. Consequently, they may become uncooperative and resist questioning.
- (9) If a person with a mobility impairment is violating the law or is at fault, do not let pity or sympathy interfere with your job. Persons with impairments may violate the law just like any other citizen.
- (10) Mobility devices are important and considered by many disabled persons as parts of their bodies. Taking away assistance devices (canes, crutches, etc.) leaves the person immobile and dependent upon the officer for movement, personal hygiene, etc., but there have been incidents of canes and crutches being used as weapons against arresting officers. Therefore, use judgment and respect when deciding about assistance devices.¹⁸

NOTE: Show video, *Dealing with Victims and the Public* – “Interacting with Individuals with Mobility Impairments” (6 minutes).

- 5. Below are some commonly accepted principles and theories regarding older persons.¹⁹

NOTE: Show slide, “Older Persons.”

It is critical that law enforcement officers develop the ability to interact effectively with older persons and become aware of the physical and psychological changes that occurs in the aging process, a process that is individual specific from both standpoints.

- a) Physiological elements of the aging process

Dealing With Victims and the Public

- (1) Less sensory information is conveyed to the brain and the interpretation of that minimized information is slowed.
- (2) A partial or severe loss of any of the senses may occur.
 - (a) Three-fourths of all women and over one-half of all men experience moderate to severe changes in visual functions during their lifetime.
 - (b) Hearing loss may occur.
 - (c) Sense of smell and taste may become impaired.
- (3) Muscular coordination is impaired.
- (4) Reaction time slows.
- (5) Fatigue occurs more rapidly.
- (6) Bone degeneration may occur.
- (7) Disturbances in sleep patterns occur.
- (8) Increased problems with medications.
 - (a) Older persons are the largest consumers of legal drugs.
 - (b) Two to ten percent of older persons are alcoholics.
 - (c) Illness/injury may necessitate heavy prescription drug use, resulting in dependence.
 - (d) Interaction of different drugs may cause serious reactions.
- (9) Be cautious in making an assumption of alcohol impairment on the basis of staggering gait, slurred speech, or odor of breath. The older person may be

Dealing With Victims and the Public

having a diabetic reaction or experiencing hyperglycemia, uremia, an impending or completed stroke, or other cerebral impairment.

- b) Psychological elements of the aging process
 - (1) Unable to respond quickly to potential dangers and hazards.
 - (2) May see visual hallucinations or “floating spots” which are often mistaken for a prowler.
 - (3) Hearing loss is strongly related to depression and suspicion since it results in isolation or misinterpretation.
 - (4) Emotional isolation - produced by forced withdrawal from social activities.
 - (5) Social isolation - produced by the loss of a spouse or friend.
 - (6) Fear of being a crime victim.
 - (7) May appear confused or disoriented.
 - (8) Have a lowered self-concept.
- c) Officer interaction with the older person.
 - (1) Give verbal reinforcement - tell the person who you are and what you are doing.
 - (2) Position yourself so an older person can see you.
 - (3) Gain the person’s attention prior to speaking.
 - (4) Paraphrase what you say.
 - (5) Try a low-pitched voice if a loud voice doesn’t help.
 - (6) Control background noise if possible.
 - (7) Communicate slowly and if possible break down information into small units to overcome confusion.

Dealing With Victims and the Public

- (8) Reinforce reality and do not react to delusional responses.
 - (9) Maintain a tolerant, calm manner.
- 6. Alzheimer's Disease²⁰

NOTE: Show slide, "Alzheimer's Disease."

- a) What is Alzheimer's Disease?
 - (1) Alzheimer's Disease is a progressive brain disease.
 - (a) It is not a mental illness.
 - (b) It is not a normal part of aging.
 - (2) It is nondiscriminating, affecting all races, sexes, and socioeconomic levels equally.
 - (3) Alzheimer's Disease is fatal.
- b) How common is Alzheimer's Disease?
 - (1) One out of every three families has a close relative or family member with Alzheimer's Disease.
 - (2) An estimated four (4) million Americans and 115,000 North Carolinians suffer from Alzheimer's Disease.
 - (3) Alzheimer's Disease is estimated as the fourth leading cause of death.
 - (4) About seventy percent (70%) of the care given to Alzheimer's Disease patients is provided in the home by family members.
 - (5) More than fifty percent (50%) of all nursing home patients have Alzheimer's Disease or a related disorder.
- c) Symptoms of Alzheimer's Disease (A.D.)

Dealing With Victims and the Public

NOTE: Show slide, “Symptoms.”

- (1) Appears “normal” in early stages.
 - (2) Gradual recent memory loss and confusion.
 - (3) Loss of reasoning and judgment abilities.
 - (4) Behavior changes and communication problems.
 - (5) Symptoms usually intensify as the disease progresses.
- d) How can I recognize an Alzheimer’s Disease patient?
- (1) Confusion: The patient often loses the ability to understand what he or she sees and hears. The disease blocks the person’s ability to recognize and interpret correctly even the simplest sight and sound.
 - (a) Inability to grasp and remember the current situation.
 - (b) Difficulty judging the passage of time.
 - (c) Agitation, withdrawal, or anger.
 - (d) Inability to sort out the obvious.
 - (2) Expression: Facial expression is blank or inappropriate to the situation. For example, a person may smile while telling about a serious issue or avoid eye contact. The person may look scared or indifferent.
 - (3) Age: A factor, one is more likely to encounter an afflicted woman than a man, possibly because women have a longer life expectancy.
 - (4) Inappropriate dress: Wrong clothes for the season; clothes put on incorrectly; multiple layers of clothes.

Dealing With Victims and the Public

- (5) Forgetfulness: May come and go sometimes within minutes because of memory loss. The A.D. person may appear uncooperative, especially about answering questions about the past or present. Questions such as “Where do you live?” or “What are you doing?” may be too difficult for the A.D. person to comprehend.

- (6) Communication problems: May have difficulty remembering or understanding the meaning of words, keeping thoughts clear, speaking logically, and following simple instructions. A.D. persons may give inaccurate information due to memory loss which can also be caused by medication(s) and/or long-term isolation from others. Multiple questions or orders will confuse him or her even more.

Example: “Let me see your driver’s license.” A.D. persons may not be able to identify or locate the driver’s license.

- (7) Delusions: False ideas (often involving paranoia). Persons may mistakenly enter a neighbor’s home or may lose things (theft) that has in reality been hidden. The A.D. patient may accuse others of stealing or trying to harm him.
- (8) Hallucinations: Because A.D. blocks rational, ordered thinking and the ability to reach accurate conclusions, a patient may see, hear, or feel something incorrectly.

Example: See neighbor’s dog as a ferocious wolf or mistaking a friend for a relative or neighbor.

- (9) Identification: Your goal is not to diagnose the possible A.D. patients, but to try to determine if they are cognitively impaired. Asking simple questions such as “What is your name?,” “Where do you live?,” “How are you feeling today?,” etc., will help to pinpoint coherent mental awareness.
- (10) Indecent exposure: A.D. patients may forget what is socially acceptable.

Dealing With Victims and the Public

- (11) Wandering: Wandering is common among A.D. patients. The A.D. patient may be confused, restless, or agitated, maybe searching for familiar faces or surrounding.
- e) What should I do if I suspect Alzheimer's?
 - (1) Approach the A.D. person in a caring and sensitive manner. A calm friendly environment helps.
 - (2) Use your best discretion in responding to the individual (move to a quieter area, calmly offer assurance, do not try to reason with or argue with, etc.)
 - (3) If you have questions about legal procedures, consult departmental administrators.
 - (4) Look for medical identification (bracelets, necklaces, labels inside the shoes, clothing, etc.) Patient may be enrolled in Nationwide Alzheimer's Association Safe Return Program or a "local" locator program.
 - (5) Often law enforcement officers encounter patients of A.D. who have not been diagnosed. You may be a source of encouragement to families by suggesting that medical help may be necessary.
 - (6) Refer family members and friends to the nearest Alzheimer's Association Chapter.
 - (7) Call your nearest Alzheimer's Association Chapter Caregiver Help Lines for further information and help.

NOTE: Show slide and refer to handout, "North Carolina Alzheimer's Association Chapters and the counties they serve."

7. Service animals

NOTE: Show slide, "Service Animals."

Dealing With Victims and the Public

- a) What is a service animal?
 - (1) As defined by the Americans with Disabilities Act (ADA), a service animal is any animal individually trained to provide assistance to an individual with a disability.
 - (2) In addition to guide dogs that are used by people with visual disabilities, service animals may also assist by:
 - (a) Alerting people with hearing disabilities to sounds
 - (b) Pulling wheelchairs or carrying or picking up objects for people with mobility disabilities
 - (c) Assisting people with mobility disabilities with balance
 - (d) Alerting a person to the onset of a medical crisis (seizure, insulin shock, etc.)
- b) Right to use service animals
 - (1) The ADA requires that people with disabilities be allowed to be accompanied by service animals in public entities and privately owned businesses that serve the public.
 - (2) G.S. 168-4.2 legislates that every person with a disability has the right to be accompanied by a service animal to assist the persons with the disability. The Department of Health and Human Services also issues a tag stamped “NORTH CAROLINA SERVICE ANIMAL PERMANENT REGISTRATION” along with a registration number. Acquiring a service animal tag is voluntary and not required by the ADA or state law.
 - (3) This legislation also allows for animals in training to be taken into public entities and businesses that serve the public.

Dealing With Victims and the Public

c) Limitations

- (1) A service animal is not a pet.
- (2) Any damage caused by a service animal is the liability of the owner or trainer as long as patrons without disabilities would be similarly charged.
- (3) Service animals may be excluded when the animal poses a direct threat to others, such as vicious behavior; or in limited circumstances is disruptive to the business, such as barking in a movie.
- (4) Domestic violence shelters should welcome service animals. The staff of the shelter may consult with the client to determine the best way to provide services for the individual and their animal in a manner that will be least disruptive to the client and others at the shelter.²¹

d) Interaction with law enforcement officers

- (1) Officers may be called to businesses where individuals are accompanied by service animals and explain the law to and the right of the individual to be accompanied by a service animal.
- (2) Officers may take into custody individuals suspected of a crime who are accompanied by a service animal. Officers should ask the individual if there is someone who can assume control of the animal or call an animal control officer. Officers also should ascertain what assistance is provided by the service animal. On some occasions, such as a service animal that alerts an individual to seizures, it might be advantageous to keep the animal with the individual it serves as much as possible.

F. Responding to Possible Hate Crime Offenses²²

NOTE: Show slide, “Hate Crimes.”

1. In the past several years, bias or hate motivated incidents have increased throughout the country. Bias motivated criminal acts not only have a devastating effect on the individual victim, but also

Dealing With Victims and the Public

threaten the democratic foundations of our society. Also, tensions and pressures are generated within the neighborhoods affected. A hate crime targets not just the victim or victims directly involved, a hate crime is meant to send a message to all other individuals of that same race, religion, disability, nationality/ethnicity, or sexual orientation--a message of an offensive nature, of hatred.

As law enforcement officers, you must acknowledge the obligation not only to investigate the criminal acts, but also to recognize and respond in a supportive manner to the emotional trauma experienced by the victims, families, and citizens of the community which have witnessed and suffered from such incidents.

2. Definitions

NOTE: Show slide, “Hate Crime Definitions.”

- a) Bias - A preformed negative opinion or attitude toward a group of persons based on their race, religion, disability, ethnicity/national origin, or sexual orientation.
- b) Hate crime - A criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's bias against a race, religion, disability, ethnic/national origin group, or sexual orientation group. Also known as “Bias Crime.”
- c) Disability - Of or relating to persons who have physical or mental impairments/challenges, whether temporary or permanent, due to conditions that are congenital or acquired by heredity, accident, injury, advanced age, or illness.
- d) Disability bias - A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments/challenges, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age, or illness.
- e) Ethnicity/national origin bias - A preformed negative opinion or attitude toward a group of persons of the same race or national origin who share common or similar traits, languages, customs, and traditions (e.g., Arabs, Latinos, etc.).

Dealing With Victims and the Public

- f) Racial bias - A preformed negative opinion or attitude toward a group of persons who possess common physical characteristics (e.g., color of skin, eyes, and/or hair; facial features; etc.) genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind (e.g., Asians, African-Americans, whites, etc.).
- g) Religious bias - A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (e.g., Catholics, Jews, Protestants, atheists, etc.).
- h) Sexual orientation bias - A preformed negative opinion or attitude toward a group of persons based on their sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex (e.g., homosexuals, heterosexuals, etc.).

3. What is hate crime/bias crime?

Hate crime/bias crime are generic terms used to describe incidents of violence or crimes perpetrated against persons solely because of their race, religion, national origin/ethnicity, sexual orientation, or disability. Even though incidents of hate crime have occurred throughout the history of this country, the law enforcement community has slowly recognized the need to provide specific training. Not too long ago, many law enforcement officials considered most incidents as childish pranks, undeserving of any real law enforcement intervention (e.g., swastika painted on a synagogue wall). Law enforcement officials must be trained in handling incidents when they occur, thus reducing the possibility of retaliation and additional violence in the communities in which incidents occur.

4. How do we identify hate violence incidents?

Incidents of hate violence include property defacement, physical assaults, threats of intimidation, and sometimes murder. The sole motivation for such violence is hatred for those who are different in some way from the perpetrator.

5. Criteria for identifying bias incidents:

Dealing With Victims and the Public

NOTE: Show slide, “Identifying Hate Crimes.”

- a) The motivation of the perpetrator.
- b) The absence of a regular or typical motive.
- c) The victim’s perception of the incident.
- d) The display of offensive symbols, words or acts.
- e) “The date and time of occurrence (corresponding to a holiday of significance to the victim group or offender group, i.e., Hanukkah, Martin Luther King Birthday, Chinese New Year, Hitler’s birthday, anniversary of Gordan Kahl’s death, etc.).
- f) A common sense review of the circumstances surrounding the incident (consider the totality of the circumstances).
 - (1) The groups or individuals involved in the attack.
 - (2) The manner and means of the attack.
 - (3) Any similar incidents in the same area or against the same victim.
- g) Statements by perpetrator (Example - Statements of hatred toward the victim, his or her kind of people.)”²³
- h) Would the incident have occurred if the victim and offender were of the same race, religion, sexual orientation, ethnicity, or disability?

6. Who are the perpetrators?

Perpetrators of hate violence can come from any neighborhood, any city, any state, any country. Statistics show that the majority of the offenders are young, white males. Some perpetrators are members of organized hate groups such as the Ku Klux Klan or the skinheads, but most do not belong to such groups. The offenders’ criminal actions are generally motivated, in whole or in part, by a specific bias. Some of the more common biases are those in violation of federal and state civil rights laws.

7. Victim assistance

Dealing With Victims and the Public

The law enforcement officer's goal is to aid the victim procedurally, as well as emotionally.

- a) Procedural aid to the victim
 - (1) Be supportive from initial contact through final case disposition.
 - (2) Be nonjudgmental and allow victims to vent their emotions.
 - (3) Obtain the services of an interpreter if the victim does not speak English.
 - (4) Provide emergency referrals or direct assistance at a crime scene for medical care, shelter, food, clothing, and child care.
 - (5) Arrange for appropriate security measures to be implemented to protect persons and property, including relocation, increased law enforcement presence, and/or restraining order.
 - (6) Provide prevention and precautionary advice.
 - (7) Provide information on the criminal justice process.
- b) Emotional aid to the victim
 - (1) Victims of hate crime experience a loss of security, trust, and self-confidence within their own home and community. Their self-esteem is greatly affected. As the responding law enforcement officer, sensitivity to the victim must be offered immediately. Assure the victim that the officer is there to help.
 - (2) The impact of hate crime incidents goes far beyond the individual involved. Hate crime incidents leave a feeling of unrest and threat of further violence within a community. This may lead to demonstrations and disorder. Hate crime incidents have an impact on society as a whole. Individuals lose faith in the system. Certain groups are isolated

Dealing With Victims and the Public

which results in reinforcement of stereotypes. The responding law enforcement officer must take into account the ripple effect of hate crime incidents. It must be stressed that if proper action is initially adhered to, then community unrest may be avoided.

NOTE: Show slide and refer to handout, “SBI Hate Crime Incident Report.” Describe and discuss with students.

8. The responding officer has an important role in reference to hate crime. That officer represents the law enforcement agency and how they handle the call will determine the victim’s perception of your agency.²⁴

NOTE: Show video, *Dealing with Victims and the Public – “Hate Crimes”* (5 minutes).

G. Address Confidentiality Program

NOTE: Show slide, “Address Confidentiality Program.”

An Address Confidentiality Program has been established in the Office of the Attorney General.

1. This program is designed to protect the confidentiality of the address of a relocated victim of domestic violence, sexual offense or stalking to prevent the assailants or potential assailants from finding the victim through public records. G.S. 15C-3.
2. A victim who wants to participate in the ACP must file an application with the Attorney General with the assistance of employees of designated agencies or organizations that provide counseling, referral, shelter or other specialized services to victims of domestic violence, sexual offense or stalking. G.S. 15C-2; G.S. 15C-4; G.S. 15C-10.
3. Upon certification, the Attorney General shall issue an Address Confidentiality Program authorization card to the program participant with a *substitute address*. G.S. 15C-4.
 - a) ACP participants (victims) are responsible for requesting North Carolina agencies (including law enforcement agencies) to use the address designated by the Attorney

Dealing With Victims and the Public

General as the substitute address of the program participant. G.S. 15C-8.

- b) When a program participant (victim) submits a current and valid Address Confidentiality Card to an agency of North Carolina (including law enforcement agencies), the agency shall accept the address designation on the authorization card as the program participant's substitute address when creating a new public record unless the agency obtains a waiver from the Attorney General. G.S. 15C-8.
- 4. No employee of a state or local agency (including law enforcement agencies) shall knowingly and intentionally disclose a program participant's actual address or telephone number to a person known to the employee to be prohibited from receiving the actual address or telephone number, unless the disclosure is permissible by law. This applies only when an employee obtains the actual address or telephone number during the course of the employee's official duties and, at the time of the disclosure, the employee has specific knowledge that the actual address or telephone number disclosed belongs to a program participant. Violation is a Class 1 misdemeanor punishable by a fine not to exceed \$2,500. G.S.15C-2; G.S. 15C-9.
- 5. Name change proceedings are not required to be published when applicants provide evidence they are a victim of domestic violence, sexual offense or stalking, or are participants in the ACP. Such records must be maintained separately from other records and can be examined only by court order or the applicant's written consent.

H. What Are the Best and Most Appropriate Methods of Communication With the Public?

NOTE: Show slides, "Appropriate Methods of Communication."

- 1. To be effective, an officer should develop the skills of a communications specialist. Law enforcement work involves being empathetic and understanding with victims while conducting what can be intrusive and painful interviews. It also involves being thorough but concise when explaining procedures to family members. Communication, during initial response can instantly turn from caring and understanding to stern and interrogative when a suspect suddenly re-appears on the scene. The interviewing officer must be careful not to appear to be conducting an interrogation when interviewing a witness.

Dealing With Victims and the Public

2. Effective, professional officers must demonstrate their ability to communicate repeatedly throughout the course of a workday. Your ability to articulate your knowledge to the average person, whether they are in the role of victim, witness, suspect, etc., will determine your effectiveness as an officer. To become an effective communicator, one must be aware of both verbal and nonverbal communication skills and practice using them in day to day conversations.
3. “Police officers must keep in mind that a large majority of their day will be spent dealing with calls generally thought of as ‘routine’ or mundane. An officer’s day can be filled with calls involving medical emergencies, family disputes, auto accidents, barking dogs, etc.²⁵ Therefore, officers must remain aware of their duty to the citizens to be a human resource for knowledge concerning a wide variety of topics. Officers must remember that citizens call law enforcement often as a last resort. They want answers to questions or solutions to problems and they expect the officer to be able to help them. If the officer leaves the citizen confused and frustrated because of a failure to communicate, then they have failed to perform the duties of the job adequately.

NOTE: Show slide and conduct practical exercise, “Victim Communication Role Plays.” (Refer to Instructor Notes)

III. Conclusion

A. Summary

In this block we have discussed the real meaning of law enforcement and community relations. Law enforcement officers are a part **of** their community and not a part **from** their community.

Reasons for effective communication and communication skills were presented in the context of effectively assisting and providing information to the public and to victims.

Students were given a chance to role play so they could practice different types of approaches law enforcement officers use in different situations.

As explained in the block of instruction, law enforcement officers are service providers to the communities they serve. A fundamental part of any law enforcement position is dealing with citizens, in many different capacities. The better you understand these different roles and adapt to

Dealing With Victims and the Public

them, the better officer you will become. Remember that an officer must have the right attitude for the situation. Conduct must be professional, ethical, and appropriate for the situation. Communication skills must be used, and job knowledge must be maintained.

NOTE: Show slides, “Training Objectives.”

B. Questions

NOTE: Show slide, “Questions.”

C. Closing Statement

Crime often leaves the victim in a grievous state of anguish and despair. Under the stress of the crime’s impact, the victim is often unusually vulnerable. This combines to place the officer in a unique position by which his/her behavior may inadvertently re-victimize the victim or can contribute significantly to the healing process of the victim. Victims judge an officer by the level of caring shown as well as his/her professional skills.

Because of the extreme sensitivity of the victim, the purely unemotional, stiff response could have a debilitating effect on the already distraught victim. Conversely, a simple courtesy shown becomes an act of personal kindness and caring, a kindness the victim will remember. Thus, simple courtesies contribute significantly to the healing process for the victim and to restoration for the victim’s emotional life.

Do unto others as you would have them do unto you.

This block of instruction is dedicated to the memory of **Lt. Henrietta “Hank” Lane**. Lt. Lane was one of the authors and past instructors of this block. Her talent and dedication were evident in her work and will be greatly missed along with her.

Dealing With Victims and the Public

NOTES

¹ “Dealing With Victims and the Public,” Basic Law Enforcement Training (Salemberg, NC: North Carolina Justice Academy, 1993), 5.

² “Special Populations,” Basic Law Enforcement Training (Salemberg, NC: North Carolina Justice Academy, 1993), 8.

³ W. Lee Erickson and S. von Schrader, “2008 Disability Status Report: North Carolina.” Cornell University Rehabilitation Research and Training Center on Disability Demographics and Statistics (2010) [On-line] Available at: <http://www.disabilitystatistics.org/reports/report.cfm?fips=2037000> [March 2013].

⁴ “Dealing With Victims and the Public,” 5.

⁵ Ibid., 5-6.

⁶ Ibid., 12.

⁷ *North Carolina Manual 1993-1994* (Raleigh, NC: Secretary of State’s Office), 599-647.

⁸ North Carolina, *General Statutes*. (2012) 15A-825, “Treatment due victims and witnesses.”

⁹ North Carolina, *General Statutes*. (201) 15A-824, “Definitions.”

¹⁰ Ibid.

¹¹ North Carolina *General Statutes*. (2012) 15a-831, “Responsibilities of law enforcement agency.”

¹² “If Crime Strikes, Know Where to Turn for Help” (Raleigh, NC: North Carolina Department of Crime Control and Public Safety).

¹³ Dennis Debbaudt, *Autism, Advocates, and Law Enforcement Professionals: Recognizing and Reducing Risk Situations for People with Autism Disorders* (London: Jessica Kingsley Publishers, Ltd., 2002), 118-121.

¹⁴ Ibid., 27, 121-122.

¹⁵ “Special Populations,” *Basic Law Enforcement Training*, 44-47.

¹⁶ Ibid., 49-52.

¹⁷ Ibid., 52-53.

Dealing With Victims and the Public

¹⁸ Ibid., 55-56.

¹⁹ Ibid., 33-35.

²⁰ Ibid., 35-38.

²¹ North Carolina Office on Disability and Health, *Guide to Achieving the Fundamental Elements of Accessibility* (Chapel Hill, NC: The University of North Carolina at Chapel Hill – FPG Child Development Institute, 2007), 19.

²² “Patrol Techniques.” Basic Law Enforcement Training (Salemberg, NC: North Carolina Justice Academy, 1994), 51-53.

²³ E. Lorraine Snyder, *Hate Crime Reporting: Verification* (Salemberg, NC: North Carolina Justice Academy, 1992), 11.

²⁴ “Patrol Techniques,” 53-55.

²⁵ Stephen M. Hennessy, *Thinking Cop Feeling Cop* (Scottsdale: Leadership, Inc., 1995), 15-40.