



**Las Cruces Police Department
GENERAL ORDERS
ADMINISTRATION VOLUME 1
GO-169 VICTIMS RIGHTS (Daily)
Revised 06/05/2013**

169 VICTIM'S RIGHTS

This General Order outlines the rights of victims and witnesses and establishes resources from the department available to victims of crime.

POLICY

It is the policy of the Las Cruces Police Department (LCPD) to protect the rights of victims and witnesses and provide assistance when reasonably able to do so.

APPLICABILITY

This General Order applies to all employees. This General Order supersedes all previous versions.

REFERENCES

- NMML ADM.24.01 – ADM.24.03
- NMSA Chapter 31, Article 26 Victims of Crime
- General Order 248 Critical Incidents

DEFINITIONS

Victim – An individual against whom a criminal offense is committed. Victim also means a family member or a victim's representative when the individual against whom a criminal offense was committed is a minor, is incompetent, or is a homicide victim.

Witness – An individual who has, purports to have, or is believed to have knowledge relevant to an event or other matter of interest. A witness voluntarily or under compulsion provides testimonial evidence of what he/she knows or claims to know about the matter before some official authorized to take such testimony.

169.01 RIGHTS OF VICTIMS

A. A victim shall have rights as outlined NMSA 31-26-4, Victim's rights, which include the right to:

1. Be treated with fairness and respect for the victim's dignity and privacy throughout the criminal justice process.



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2. Be given timely disposition of the case.
 3. Be reasonably protected from the accused throughout the criminal justice process.
 4. Be notified of court proceedings.
 5. Attend all public court proceedings the accused has the right to attend.
 6. Confer with the prosecution.
 7. Make a Victim Impact Statement to the court at sentencing and at any post-sentencing hearing for the accused.
 8. Receive restitution from the person convicted of the criminal offense that caused the victim's loss or injury.
 9. Information about the conviction, any plea bargain, sentencing, imprisonment, escape, release, or parole of the accused.
 10. Have the prosecuting attorney notify the victim's employer, if requested by the victim, of the necessity of the victim's cooperation and testimony in court proceedings that may necessitate the absence of the victim from work for good cause.
 11. Promptly receive any property belonging to the victim that is being held for evidentiary purposes by a law enforcement agency or the prosecuting attorney, unless there are compelling evidentiary reasons for retention of the victim's property.
 12. Be informed by the court at sentencing proceeding that the offender is eligible to earn meritorious deductions from the offender's sentence and the amount of meritorious deductions that may be earned by the offender.
 13. An interpreter or translator.
 14. A victim representative designated by the victim or the court to assist in the best interest of the victim.
- B. The rights and duties pursuant to the Victims of Crime Act take effect when an individual is formally charged by a district attorney for allegedly committing a criminal



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offense against a victim. Those rights and duties remain in effect until final disposition of the court proceedings attendant to the charged criminal offense.

- C. LCPD provides victim assistance services through the Victims Assistance Unit (VAU). The VAU provides several services to victims of violent crimes with an emphasis on victims of domestic violence.

169.02 VICTIM / WITNESS SERVICES DURING PRELIMINARY INVESTIGATIONS

- A. A Victim/witness of a crime shall be given the following applicable information during the course of a preliminary investigation:

1. The case number of the report.
2. Information about applicable services such as medical services, compensation program, counseling, legal services, etc.
3. How to report victim intimidation by the suspect or someone acting on behalf of the suspect.
4. How to report additional information and/or request information about the status of the case.
5. When applicable, that the officer is filing for an emergency order of protection, and that a copy of the emergency order of protection will be left with the victim.

- B. Officers shall provide for transportation for victims to safe places or medical facilities.

169.03 VICTIM / WITNESS COOPERATION

- A. When not detrimental to the investigation or prosecution, victims and/or witnesses should be advised of the procedures involved in the case he/she is involved in and his/her role in those procedures.
- B. When practical, line-ups, interviews, and other required appearances should be scheduled in advance with a victim and/or witness. If necessary, victims and/or witnesses may be transported by employees to required appointments.
- C. Victim/witness property taken as evidence (except contraband, disputed property, and weapons used in the course of a crime) shall be returned as promptly as possible where permitted by law or rules of evidence.



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169.04 VICTIM AND/OR WITNESS INTIMIDATION

Victims and/or witnesses who are contacted by a suspect, or a person representing the suspect, who threaten the victim and/or witness may be subject to prosecution. The LCPD shall take all measures to enforce and prosecute any and all efforts of persons to threaten a victim and/or witness.

169.05 VICTIMS ASSISTANCE UNIT

- A. The Victims Assistance Unit (VAU) is responsible for reaching out to victims of violent crime and assisting victims of violent crime in obtaining protection orders/restraining orders, coordinating safe emergency housing, and offering assistance in obtaining reparations for victims. The VAU maintains up-to-date SOPs and contact lists of public and private entities that can provide assistance to victims.

- B. The VAU may be called upon to assist the department by staffing a Family Operations Center as described in General Order 248.11 Family Operations Center/Victims Assistance.