

## ***Responding to Victims and the Public***

BLET: 13Y

TITLE: RESPONDING TO 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 by information received during the instructional period.

1. In writing and as demonstrated in practical exercise, explain the correct behaviors and actions to take when responding to the public and the victim of a crime.
2. In writing, explain the characteristics of trauma and how a law enforcement officer should assist a victim suffering from trauma.
3. In writing and as demonstrated in practical exercise, explain the correct behaviors to take when responding to the victim of a sexual assault.
4. In writing and as demonstrated in practical exercise, explain the correct behaviors to take when responding to a citizen who is audibly impaired.
5. In writing and as demonstrated in practical exercise, explain the correct behaviors to take when responding to a citizen who is visually impaired.
6. In writing and as demonstrated in practical exercise, explain the correct behaviors to take when responding to a citizen who is physically disabled.
7. In writing and as demonstrated in practical exercise, explain the correct behaviors to take when responding to an elderly citizen.
8. In writing and as demonstrated in practical exercise, explain the correct behaviors to take when responding to a non-English speaking citizen.
9. List, in writing, the eligibility requirements to receive assistance from the North Carolina Victims

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Compensation Services and explain in writing the procedures to contact the Victim Compensation Services to request assistance.

10. Demonstrate, with practical exercises, the appropriate methods of communicating with suspects, defendants, victims, and their families to provide and obtain necessary information for civil rights compliance, perhaps limited English proficient populations.

Hours: Ten (10)

Instructional Method: Lecture, Conference, Practical Exercise

Testing Requirement(s): End of block test, Practical Exercise

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Legal Review By: Carrie Randa  
Attorney  
Law Enforcement Liaison Section  
North Carolina Department of Justice

Date Reviewed: January 2018

Revised By: Jennifer H.B. Fisher, M.S.  
Instructor/Developer  
North Carolina Justice Academy

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#### **I. Introduction**

##### **A. Opening Statement**

There is a group of individuals in our communities that have specific needs and require an extra level of care from law enforcement officers. **These individuals should not be looked down upon or considered any less deserving of law enforcement's efforts.** These specific individuals are known as victims. Regardless of why they became a victim, they should be treated with the upmost respect and care from the first contact with the criminal justice system. Anyone can become a victim of a crime, and no one knows how they will respond when victimized.

“Whenever a crime is committed, law enforcement officers are usually the first to arrive on the scene and to interact with victims. Law enforcement officers have more contact with crime victims than any other criminal justice professional. This makes their role critical and puts them in a unique position to assist victims immediately after the crime and encourage and facilitate victim participation in the criminal justice system. The initial response to a victim will have a long-lasting impact on that individual’s view of the justice system and participation in the investigation and prosecution of the crime. The first response also is a key factor in whether or not a victim ultimately accesses needed services and assistance, such as crisis intervention, counseling, financial compensation, information, referrals to community programs, and help in navigating the justice process.”<sup>1</sup>

It is difficult enough for any individual to be a victim; however, imagine being victimized and having a disability. Law enforcement will respond to individuals from all walks of life and will encounter individuals with disabilities. A great resource for law enforcement is the North Carolina Department of Health and Human Services. Their mission is to provide “essential services to improve the health, safety and well-being of all North Carolinians.”<sup>2</sup> They have divisions that specifically address specific groups of individuals, to include: Aging and Adult Services, Services for the Blind, Services for the Deaf and the Hard of Hearing. According to the United States Department of Justice, “the rate of violent crime against persons with disabilities (36 per 1,000) was more than twice the age-adjusted rate for persons without disabilities (14 per 1,000).”<sup>3</sup>

This block of instruction will address responding to a victim in general, victims of sexual assault, victims with disabilities (blind, deaf, physical disabilities), and the elderly. This block of instruction is just one lesson on how law enforcement interacts with the public. All of the lessons should be taken into consideration and build upon each other to enhance an officer’s

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ability to establish rapport, trust, understanding, and cooperation from the public.

### **B. Training Objectives**

1. In writing and demonstrated in practical exercise, explain the correct behaviors and actions to take when responding to the public and the victim of a crime.
2. In writing, explain the characteristics of trauma and how a law enforcement officer should assist a victim suffering from trauma.
3. In writing and demonstrated in practical exercise, explain the correct behaviors to take when responding to the victim of a sexual assault.
4. In writing and demonstrated in practical exercise, explain the correct behaviors to take when responding to a citizen who is audibly impaired.
5. In writing and demonstrated in practical exercise, explain the correct behaviors to take when responding to a citizen who is visually impaired.
6. In writing and demonstrated in practical exercise, explain the correct behaviors to take when responding to a citizen who is physically disabled.
7. In writing and demonstrated in practical exercise, explain the correct behaviors to take when responding to an elderly citizen.
8. In writing and demonstrated in practical exercise, explain the correct behaviors to take when responding to a non-English speaking citizen.
9. List, in writing, 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.
10. Demonstrate, with practical exercises, the appropriate methods of communicating with suspects, defendants, victims, and their families to provide and obtain necessary information for civil rights compliance, perhaps limited English proficient populations.

### **C. Reasons**



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Law enforcement is a part of a system that is designed to maintain order and provide justice for all. To do this, law enforcement must continually reaffirm society's trust and admiration. Officers cannot perform as unemotional and unpassionate individuals apart from the communities they serve. The majority of society wholeheartedly believes that law enforcement is a vital and integral part of our government, filled with caring and honest individuals that are dedicated to helping others.<sup>4</sup> Unfortunately, a few bad behaviors by a few officers can have overwhelmingly negative effects on all aspects of law enforcement. When responding to the public, especially victims, we must take their needs, diverse backgrounds, and emotional state into consideration. "A few sensitive words of support and affirmation from officers, and reassurance that what victims are feeling and experiencing is 'normal,' can help many victims find their own way out of the initial shock of the experience."<sup>5</sup>

### II. Body

#### A. Legislation for Victims

A victim of a crime is defined as "a person against whom there is probable cause to believe a crime has been committed."<sup>6</sup> However, this is a very basic definition. Law enforcement must also take into consideration secondary victims, such as the families of a murdered individual, the neighbor of a burglary, the city dealing with an increasing violent crime rate, etc. When law enforcement responds to a call for service, all citizens impacted by the crime must be taken into consideration. There are legal aspects that law enforcement needs to be aware of in regards to responding to victims.

##### 1. Victim's rights

The North Carolina legislature requires that "to the extent reasonably possible and subject to available resources, the employees of law enforcement agencies, the prosecutorial system, the judicial system, and the correctional system should make a reasonable effort to assure that each victim and witness within their jurisdiction:

- a) Is provided information regarding immediate medical assistance when needed and is not detained for an unreasonable length of time before having such assistance administered.
- b) Is provided information about available protection from harm and threats of harm arising out of cooperation with law enforcement and prosecution efforts, and receives such protection.
- c) Is provided information that testimony as to one's home address is not relevant in every case and that the victim or

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witness may request the district attorney to object to that line of questioning when appropriate.


- d) Has any stolen or other personal property expeditiously returned by law enforcement agencies when it is no longer needed as evidence, and the property's return would not impede 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.
- e) Is provided appropriate employer 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.
- f) Is provided, whenever practical, a secure waiting area during court proceeding that does not place the victim or witness in close proximity to defendants and families or friends of defendants.
- g) Is informed of the procedures to be followed to apply for and receive any appropriate witness fees or victim compensation.
- h) 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.
- i) Is given the opportunity to be present during the final disposition of the case or is informed of the final disposition of the case, if the victim or witness has requested to be present or be informed.
- j) Is notified, whenever possible, that a court proceeding to which the victim or witness has been subpoenaed will not occur as scheduled.
- k) Is given the opportunity to prepare a victim impact statement for consideration by the court.
- l) Prior to trial, is provided information about plea bargaining procedures and is informed that the district attorney may recommend a plea bargain to the court.

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- m) Is informed that civil remedies may be available and that statutes of limitation apply in civil cases.
- n) 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.
- o) 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.
- p) Has family members of a homicide victim offered all the guarantees in this section, except those in subdivision (1)."<sup>7</sup>

### 2. Responsibilities of law enforcement agencies

The North Carolina legislation has also mandated that law enforcement officers and agencies behave in a certain way when responding to victims.

- a)  As soon as practicable but within seventy-two hours after identifying a victim covered by this Article, the investigating law enforcement agency shall provide the victim with the following information:
  - (1) The availability of medical services, if needed.
  - (2) The availability of crime victims' compensation funds under Chapter 15B of the General Statutes and the address and telephone number of the agency responsible for dispensing the funds.
  - (3) The address and telephone number of the 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.

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- (6) The name and telephone number of an investigating law enforcement agency employee whom the victim may contact to find out whether the accused has been released from custody.
  - (7) The informational sheet described in G.S. 50B-3(c1), if there was a personal relationship, as defined in G.S. § 50B-1(b), with the accused.
  - (8) A list of each enumerated under G.S. 15A-830.5(b).
  - (9) Information about any other rights afforded to victims by law.
- b) Within seventy-two hours after the arrest of a person believed to have committed a crime covered by this Article, the arresting law enforcement agency shall inform the investigating law enforcement agency of the arrest. Following receipt of this information, the investigating law enforcement agency shall notify the victim of the arrest within an additional seventy-two hours.
- c) Within seventy-two hours after receiving notification from the arresting law enforcement agency that the accused has been arrested, the investigating law enforcement agency shall also forward to the district attorney's office that will be responsible for prosecuting the case the defendant's name and the victim's name, address, and telephone number or other contact information, unless the victim refuses to disclose any or all of the information, in which case, the investigating law enforcement agency shall so inform the district attorney's office.
- d) Upon receiving the information in subsection (a) of this section, the victim shall, on a form created by the Conference of District Attorneys and 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 return the form to the investigating law enforcement agency within ten business days of receipt of the form. The victim shall be responsible for notifying the investigating law enforcement agency of any changes in the victim's name, address, and telephone number.

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- e) Upon receiving a form from the victim pursuant to subsection (d) of this section, the investigating law enforcement agency shall promptly share the form with the district attorney's office to facilitate compliance with the victim's preferences on notification."<sup>8</sup>

These legislative requirements are not the sole responsibility of a law enforcement officer or agency; however, they need to be aware of the criminal justice systems' responsibilities and be able to advise victims of where they can obtain further information. Each agency should have the phone numbers and contact information for the local district attorney's office, the court liaison, the victim's assistance network, and the victim advocacy office.

### **\*\*\* B. Trauma**

#### 1. Primary injuries

- a) **Physical signs of trauma:**
  - (1) Wide and/or glassy eyes
  - (2) Rapid eye movements
  - (3) Insomnia, nightmares
  - (4) Tension headaches, muscle aches
  - (5) Nausea, changes in appetite
  - (6) Trembling
  - (7) Easily startled
  - (8) Physiological symptoms of shock (increased heart rate, changes in breathing, jumpiness)
- b) **Emotional/behavioral signs of trauma**
  - (1) Denial, avoidance
  - (2) Confusion, disorientation
  - (3) Difficulty tracking memories logically or sequentially
  - (4) Anger, irritability, mood swings

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- (5) Anxious, fearful
- (6) Difficulty retaining information
- (7) Difficulty concentrating
- (8) Strong feelings of guilt, shame, self-blame
- (9) Withdrawn, disconnected from the reality of circumstances”<sup>9</sup>

### **c) Secondary injuries**

“Victims not only have to struggle with primary injuries in the aftermath of the crime, but they must also battle with the ‘secondary’ injuries. Secondary injuries are injuries that occur when there is a lack of proper support. These injuries can be caused by friends, family, and most often by the professionals victims encounter as a result of the crime. Law enforcement officers, prosecutors, judges, social service workers, the media, coroners, clergy, and even mental health professionals can cause secondary injuries.”<sup>10</sup> “Failing to recognize the importance of the crime or to show sympathy can be damaging to the victims’ self-worth and recovery process.”<sup>11</sup>

### **d) Triggers**

“Triggers can be events, words, colors, smells, locations, etc. that remind the brain of the traumatic event and warn the body of potential danger. Triggers can make signs of trauma suddenly reappear when there is no noticeable threat to others. Examples of potential triggers could include a person who resembles a former abuser, the smell of a particular perfume, use of a certain phrase, being touched, etc.”<sup>12</sup>

## **C. Victims of Sexual Assault**

Law enforcement officers have to be especially sensitive to victims of sexual assault. Many times, it is difficult to interview victims of sexual assault because the officer does not want the victim to relive the event. “Sexual assault victims frequently experience negative and often long-term psychological and physical consequences following the event”<sup>13</sup> and “women often try to cope with sexual assault without assistance out of fear that the criminal justice system will not believe the victim or blame the victim for the assault (i.e., she was responsible for what happened and therefore could have

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controlled it).”<sup>14</sup> Therefore, law enforcement officers need to be patient and empathetic while encouraging the victim to cooperate and seek assistance.

1. Reactions to being sexually assaulted – Based on coping skills or lack thereof, some victims can demonstrate none or all of the following reactions.
  - a) “Physical reactions
    - (1) Aches and pains like head, back, and/or stomach aches
    - (2) Sudden sweating and/or heart palpitations (fluttering)
    - (3) Changes in sleep patterns, appetite, interest in sex
    - (4) Constipation or diarrhea
    - (5) Easily startled by noises or unexpected touch
    - (6) More susceptible to colds or illnesses
    - (7) Increased use in alcohol or other drugs and/or overeating
  - b) Emotional reactions
    - (1) Shock and/or disbelief
    - (2) Fear and/or anxiety
    - (3) Grief, disorientation, denial
    - (4) Hyper-alertness or vigilance
    - (5) Irritability, restlessness, outbursts of anger or rage
    - (6) Emotional mood swings (e.g., crying then laughing)
    - (7) Worrying or ruminating (i.e., intrusive thoughts of the trauma)
    - (8) Nightmares
    - (9) Flashbacks (i.e., feeling as if the trauma is currently happening)

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- (10) Feelings of helplessness, panic, feeling out of control
- (11) Increased need to control everyday experiences
- (12) Minimizing the experience
- (13) Attempts to avoid anything associated with the trauma
- (14) Tendency to isolate oneself
- (15) Feelings of detachment
- (16) Concern with burdening others with problems
- (17) Emotional numbing or restricted range of feelings
- (18) Difficulty trusting and/or feelings of betrayal
- (19) Difficulty concentrating or remembering
- (20) Feelings of self-blame and/or guilt
- (21) Shame
- (22) Diminished interest in everyday activities or depression
- (23) Unpleasant past memories resurfacing
- (24) Loss of a sense of order or fairness in the world; expectation of doom and fear of the future.”<sup>15</sup>

### **2. The victim and the crime scene**

Law enforcement’s duties to a victim of sexual assault are similar to any other victim of a crime, with a few specific concerns:

- a) “Attend to the victim
- b) Be careful not to stigmatize the victim
- c) Preserve evidence on victim (i.e., not taking a shower, nothing to drink, not brushing teeth, or removing any clothes)
- d) Secure and protect the crime scene
- e) Contact your local rape crisis center



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### f) Apprehend the offender if present”<sup>16</sup>

The victim has a large amount of evidence on them, and it needs to be preserved and collected as soon as possible. The physical location of the crime also needs to be preserved for evidence collection.

“The attitude and conduct of the interviewing officer is key to gaining the victim’s trust and cooperation. The victim will assess the officer’s demeanor and language for reaction. Approach the victim in a respectful, supportive manner. Remain objective and non-judgmental. Explain the process for the interview. The victim’s ability to think clearly and to articulate what happened may be impeded by the assault. Persons who may be experiencing trauma will often recall and disclose information over a period of time. Officers may not get a full statement during the initial contact with the victim, especially if aspects of the assault are unclear, if the victim was embarrassed about aspects of the crime, and/or if alcohol or drugs were involved. If necessary, postpone the interview and make every effort to minimize the number of interviews. Slight changes in statements with multiple interviews are often misconstrued to suggest that a victim is lying.

If a victim is unsure or unwilling to pursue a complaint, advise the victim of the right to make a formal statement at a later time and of the procedure for doing so.”<sup>17</sup>

Officers should attempt to keep the victim as calm as possible and ensure them that they are safe. Do not talk down to them or rush them. “Officers must balance professional investigatory conduct with an honest effort to empathize with the victim. Taking the time to listen to the victim, ensuring that support services are notified promptly, and recognizing the victim’s need for safety, information, and voice are appropriate means of projecting an empathetic and caring position. As a general rule, officers should put themselves or a family member in the victim’s situation. Understanding the victim’s feelings and reacting in a supportive way can build rapport and trust with the victim, gain information that can assist the investigation, and demonstrate true professionalism.”<sup>18</sup>

“Inform the victim that it is in their best interest to have forensic evidence collected at either the area hospital’s emergency department or Sexual Assault Examiners Unit. There the victim can be treated medically and given the appropriate prophylaxes (preventative treatment for possible exposure to sexually transmitted infection and pregnancy). Evidence obtained during the investigation (e.g., from the victim’s body or left at crime scene) may be useful in attempts to identify a suspect through the DNA data bank.”<sup>19</sup>

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Unfortunately, with all the stigmatism surrounding victims of sexual assault, many times, the crime will not be reported immediately following the offense. A delayed report should not decrease an officer's level of empathy or effort to bring the offender to justice. "There are many reasons why a sexual assault victim may not report the assault to the police. It is not easy to talk about being sexually assaulted. The experience of re-telling what happened may cause the person to relive the trauma. Other reasons for not immediately reporting the assault or not reporting it at all include fear of retaliation by the offender, fear of not being believed, fear of being blamed for the assault, fear of being 'revictimized' if the case goes through the criminal justice system, belief that the offender will not be held accountable, wanting to forget the assault ever happened, not recognizing that what happened was sexual assault, shame, and/or shock. In fact, reporting a sexual assault incident to the police is the exception and not the norm."<sup>20</sup>

### 3. The offender and the interview

Providing the victim with a safe environment and ensuring their interview is recorded or that they make a written statement will reduce the number of times that they have to tell law enforcement what happened.



#### a) Responding officer interview

If the responding officer is not the investigating officer, then they will want to interview the victim enough to:

- (1) "Establish the elements of the crime(s);
- (2) Identify any and all witnesses and suspect(s);
- (3) Identify possible locations of evidence and crime scene(s);
- (4) Identify additional interviews to be conducted; and
- (5) Advise a supervisor of additional resources and/or personnel needed (e.g., crime scene services, crime lab, etc.).

A victim of a sexual assault may bond with the responding officer. If the responding officer intends to request assistance from a sexual assault investigator (as directed by departmental protocol), the officer should explain their role as the first

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responding officer to the victim. It is important for the initial officer to explain what the victim may expect from the responding investigative team and to help with that transition.”<sup>21</sup>

b) Known offenders

“Sexual assault cases generally can be categorized into two types: a case in which the offender is known or a case in which the offender is unknown. In either case, the key issues to uncover are the identity of the offender, the element of force, and the issue of consent.”<sup>22</sup>

Many times, the offender may have been in a relationship with the victim. Sexual assault occurs with a known offender between seventy and eighty percent of the time.<sup>23 24</sup>

Sexual assault is also covered in the *Domestic Violence Response* block of BLET.

c) Unknown offenders

“In these sexual assault cases, a primary issue of the investigation is identifying the offender. The investigation should focus on obtaining as much information as possible in an effort to pinpoint a suspect(s), including: A detailed physical description of the offender including, clothing, tattoos, facial features, identifying marks, distinctive walk, odors, etc. Information about the offender’s vehicle may also be helpful. Obtain as much information as possible about the offender’s profile and compare to other offenders who have previously been arrested for a similar crime to determine whether a pattern exists, including:

- (1) Method of approach
- (2) Method of control
- (3) Amount/type of force/restraint of victim
- (4) Victim resistance
- (5) Sexual dysfunction
- (6) Type and sequence of acts

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- (7) Offender verbal activity
- (8) Offender attitudinal change
- (9) Items taken”<sup>25</sup>

This information is vital to the investigation; however, the officer must be patient and understand that the victim is in a very vulnerable state and needs to feel safe and given time.

### **4. Assistance Program for Victims of Rape and Sex Offenses**

N.C. General Statute 143B-1200 established an Assistance Program for Victims of Rape and Sex Offenses within the North Carolina Department of Crime Control and Public Safety. A forensic medical examination is free to victims; there is to be no bill sent.

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.

### **D. Interacting with Individuals who are Deaf or Hard of Hearing**

There is a difference between people who are hard of hearing and those who are deaf. People who have a hearing loss vary in the extent of hearing loss they experience. Some people are completely deaf and rely on visual communication, while others can hear almost normally with the use of hearing aids. Hearing aids increase volume, not clarity, and do not guarantee that the person can hear and understand speech.

Deaf and hard of hearing people can do anything except hear. Their barrier to communication comes from the difficulty in receiving audible information. As a result, some individuals may have difficulty expressing him or herself verbally and display varying levels of English fluency due to English being a second language.

- 1. Preparing for your interaction with deaf or hard of hearing people
  - a) Establish eye contact with the individual; this is important for communication and to facilitate lip-reading.
  - b) Ask which communication mode is convenient for this person.

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- c) Consider calling for a sign language interpreter. With an interpreter present, talk directly to the person who is deaf, not the interpreter. A directory of interpreters and transliterators available can be found at <http://www.ncdhhs.gov/dsdhh/directories.htm>.
- d) Use facial expressions and hand gestures as visual cues.
- e) Check to see if you have been understood and repeat or rephrase, if necessary.
- f) Use pencil and paper; write slowly and let the individual read as you write.
- g) Written communication may be especially important if you are unable to understand the person's speech or if the person doesn't understand you. Please keep in mind that English is not the first language for some people, so there may be some barriers.
- h) Do not allow others to interrupt you while conveying information.
- i) Be patient as the person may have difficulty understanding the urgency of messages. Rephrase as needed. When an individual is relaxed, it can make communication easier. When the individual is feeling pressured, communication may begin to break down.
- j) If available, provide the person with a flashlight to signal their location in the event they are separated from the rescue team. Providing a flashlight can also assist to facilitate lip-reading or signing in the dark. Darkness can make communication almost impossible for those who rely on visual communication techniques.
- k) If available, use a pocket talker or other type of assistive listening device (ALD) that would assist in communicating with hard of hearing people. There are free smartphone applications, via the internet, available to use smartphones as an ALD with earbuds or headphones.

### **2. Effective communication methods**

The majority of deaf or hard of hearing individuals can effectively communicate by using such auxiliary means of communications as:

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- a) Sign language
  - b) Lip-reading
  - c) Reading/writing
  - d) Hearing aids/assistive listening devices
3. Clues to alert you to the fact that a person is deaf or has a hearing loss 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 the ear and mouth.
  - c) Hearing loss can affect the clarity of a person's speech. Some deaf people prefer not to vocalize.
  - d) They may write notes instead of speaking.
  - e) They may wear a hearing aid or cochlear implant.
  - f) They may look at your lips.
  - g) They may speak louder. It doesn't mean they are shouting. They cannot hear their voice.
  - h) They may not answer your questions appropriately, or at all.
4. Challenges of communicating with an individual that is deaf or hard of hearing
- a) Some hard of hearing people may deny they have a hearing loss.
  - b) Some deaf people lost their hearing later in life, so their speech may be very clear.
  - c) Not all people with hearing loss know sign language.
  - d) Many deaf people do not wear hearing aids.
  - e) Hearing aids and cochlear implants have varying results for each person and each ear. Do not assume a person is receiving all audible information.

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### **5. Types of communication**

- a) Sign language – Whenever needed, secure a licensed, qualified interpreter. (It may be necessary to use a family member in an emergency, but only until a licensed, qualified interpreter arrives.) For instance, when an officer arrives on the scene of a vehicle crash, the officer may ask all the parties involved, “are you all okay?” One of the drivers involved responds, “Yes, I am fine.” The other driver signs back to you with an “okay” hand signal that they are okay. You recognize that he did not speak to you and ask if he is deaf or hard of hearing, and he nods his head up and down to confirm that he is deaf. You write down on a piece of paper and show him that you have requested a licensed interpreter.
- b) Writing notes – For many people who were born deaf, American Sign Language (ASL) is their native language, and English fluency will vary from person to person. ASL is a visual/gestural language that has no vocal component. ASL is a complete, grammatically complex language and is not based on 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 thirty to forty percent of the English language is visible on the lips. Talk at a normal pace and do not over exaggerate mouth movements. Use gestures as needed to assist with conversation.
- d) It is the officer’s responsibility to provide effective communication. To meet this requirement, you should ask the individual what accommodations will best meet their communication needs. If the person wants an interpreter present, you will need to let that person know that it will take time before an interpreter arrives.
- e) Keep your eyes on the person’s hands. Deaf people who have been stopped by an officer, have been shot and killed because they made a quick move for a pen and pad in his or her coat pocket/purse or glove compartment. These unfortunate incidents can be prevented by mutual awareness, which overcomes the lack of communication. It is important to be aware of any indicators of deafness or hard of hearing, such as those discussed in this lesson plan while still following officer safety protocol.

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6. Responding to individuals who are deaf or hard of hearing<sup>26</sup>
  - a) Signal your presence by waving your hand or gently touching them on the arm or shoulder if they do not notice you.
  - b) Face them so that your eyes and mouth are visible. Be careful not to block your mouth with your hands, or to speak while you are looking away from them or down at your notes. Do not chew gum. It is also hard for them to read lips if the officer has a mustache or beard. If possible, avoid having a bright light behind you, making the individual hard to see and the lip-reading of the officer more difficult.
  - c) Move to a private, secure, well-lit location that is free of distractions or interference.
  - d) Avoid shouting or speaking very slowly to make yourself understood as this distorts your speech, lip movements, and facial expressions, and may make you appear upset. Be prepared that communications may take longer with an individual that is deaf or hard of hearing. You may need to repeat things, but differently, so that the other individual understands what you are trying to say (i.e., saying “mother” instead of “mom”).
  - e) Always ask at the beginning how the person prefers to communicate (i.e., speech, lip-reading, sign language, writing notes, etc.). Do not wait until later to ask.
  - f) If the person wants to lip-read to communicate, speak naturally, and keep your mouth free of distractions. Match your facial expressions and body language to your words.
  - g) If the person wants to communicate by writing, keep your messages short and to the point. The officer may need to repeat their question(s) or statements if it appears that the person does not understand you.
  - h) Do not assume because they are wearing a hearing aid or cochlear implant that they can hear and understand you. Keep in mind that each has a different type of hearing loss, and the device doesn’t always help to enhance hearing. Also, keep in mind that not everyone with a hearing loss wears a hearing aid or cochlear implant.



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- i) Use open-ended questions and statements that require them to answer with more than a yes or no to prevent misunderstandings.
- j) Do not use people who can sign, but are not professional interpreters, except to obtain name, address, and other basic information. Never use a child to assist in communication unless in emergencies or for short-term assistance in helping you locate an appropriate adult. Officers should ask professional interpreters to show them their North Carolina interpreter transliterators license according to N.C.G.S. § 90D.
- k) Do not allow the person with “better” communication to take over. He or she may be the abuser. It is important for the officer to listen to all parties involved, not just the individual(s) with whom the officer speaks more easily. This can make the individual(s) with the hearing loss feel as though their “voice” is not important and re-victimized.
- l) Make sure the suspect cannot watch or “eavesdrop” on the crime victim using sign language. Perpetrators can threaten victims through sign language.
- m) A driver may show the Driver Communication Card to indicate they have a hearing loss.
- n) Please be patient. Communication between you and the deaf or hard of hearing individual will be less frustrating after you both find a way to communicate effectively.

### **E. Interacting with Individuals that have Low Vision or are 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 an individual with low vision or is blind.

#### **1. Definitions**

##### **a) Visually impaired**

“Visual impairment is a general term that describes a wide range of visual function, from low vision through total blindness.”<sup>27</sup> There are different types of visual impairments such as peripheral versus central vision loss as well as factors that can affect the impairment (i.e., lights, glares).<sup>28</sup>

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b) Legally blind<sup>29</sup>

This is defined as no better than 20/200 corrected vision in the better eye, or a visual field not extending beyond 20 degrees in the better eye, or a visual efficiency of no more than 20 percent.

c) Blindness<sup>30</sup>

A wide array of conditions ranging from a limited ability to see objects with special aids to the absence of light perception. Most people who are blind have some light perception. Almost all blindness in the United States is a result of eye disease. Less than three percent is a result of injuries.

2. Interacting with individuals that are blind or have low vision

a) The best approach is to interact with the person and not with his or her disability. In general, what you would do or say with a sighted person would also be fitting for an individual that is blind or with low vision.

b) There are two primary ways for an individual with low vision/blind to achieve independent mobility: the use of a guide dog or “white” cane. Not all individuals with low vision will need guiding assistance. Additionally, some individuals need a white cane for identification purposes only and not the traditional white support cane.

(1) “Never separate victims from their guide dogs or pet the dogs without permission. There is a special relationship between people who are blind and their dogs, and the dogs are working animals that must not be distracted.”<sup>31</sup>

(2) “A white cane is a long, rod-like device used by blind or visually impaired travelers to give them information about the environment they are traveling through. Using a cane can warn them of obstacles in their path, tell them of stairs they are coming to, warn them that they are coming up to a curb, and tell them of many other things in the environment that they must deal with. The cane will also do something else; it will alert others around them that they are blind, and this can be very helpful.”<sup>32</sup>

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3. Methods for responding to individuals with low vision or are blind
  - a) When encountering an individual with low vision or are blind who requires assistance or appears lost, identify yourself immediately by saying, “I am a police officer, may I be of assistance?” Let them know when someone leaves the room. In groups, address others by name so that the person can follow the conversation. If assistance is needed, ask how best you can help. Only assist with permission. Offer to read aloud any materials that are not available in an alternate format.<sup>33</sup>
  - b) When assisting a pedestrian with low vision or blind, describe the chair and seating arrangements when helping him/her sit down; place his/her hand (after obtaining permission) on the back or arm of the chair. When walking, allow the individual to take your arm just above the elbow on your weak hand side. 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.<sup>34</sup> When guiding a person who has low vision or blindness, do not place him/her ahead of you.<sup>35</sup>
  - c) “Orient victims to their surroundings and give cues as to what lies ahead when guiding them. Close doors to cabinets, rooms, and cars that obstruct their paths. Warn of hazardous objects around them. Before going up or down stairs, come to a complete stop and inform victims about the direction of the stairs, the approximate number of steps, and the location of the handrail. Finally, make your warnings and directions specific, such as ‘in front of you’ and ‘to your left,’ rather than giving vague references like ‘at the front of the room’ or ‘beside you.’”<sup>36</sup>
  - d) If the person has a working animal, do not pet or distract the animal. Service animals may need outside breaks and water. Don’t separate the service animal from the person without permission.<sup>37</sup>
  - e) Encourage sighted people in your patrol area to keep sidewalks clear. This additional courtesy will enable individuals with low vision or are blind in the neighborhood to walk without the fear of tripping over objects.<sup>38</sup>
  - f) 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 individual with low vision or are

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blind through with a hand signal. Realize that he or she does not see you.<sup>39</sup>

- g) Use your normal voice volume. Most visually impaired persons can hear and do not need interpreters.<sup>40</sup>
- h) If you are involved in a case involving an individual with low vision or is blind, remember that the victim may be able to describe the suspect by relying on his/her other senses to include height, ethnicity, etc.<sup>41</sup>
- i) Not seeing creates special fears. Be aware of this when you are assisting victims that are blind or have low vision and are attempting to obtain a description of the suspect.
- j) Making the victim feel safe and comfortable in the environment will ease the victim's trauma and will help the investigation.
- k) Obtain the maximum benefit from the individuals with low vision or are blind as witnesses by having them utilize their other senses.
- l) Individuals with low vision or are blind may remember voices that they have heard before. Voices and sounds can be analyzed and used for the following purposes:
  - (1) Identification
  - (2) Direction
  - (3) Distance
  - (4) Volume
  - (5) Number of sounds
  - (6) Quality of sounds
- m) An individual with low vision or is blind 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:
  - (1) Facial hair

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- (2) Skin texture
  - (3) Hair length
  - (4) Clothing and items worn (open necked, cotton shirt, glasses, hat, etc.)
  - (5) Height and weight
- n) Ask if they can see and what they saw because many individuals with low vision or are blind are still able to offer valuable information even with limited sight.
  - o) Also, remember that most individuals with low vision or are blind cannot read or fill out police forms and other printed documents. They will likely need your assistance with these materials.
  - p) Individuals with low vision or are blind read Braille, which is a tactile form of written communication, which takes the place of printed material.
  - q) Notify court personnel that notices to appear in court and related documents should be both sent and communicated by telephone. Although some individuals have methods to independently read documents using assistive devices or have someone read documents to them, communicating by phone about documents that have been mailed will ensure the information has been received.
4. You should be aware of N.C.G.S. § 20-175.2, Right-of-way at crossings, intersections, and traffic-control signal points; white cane or guide dog to serve as signal for the blind:
- “At any street, road or highway crossing or intersection where the 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. Upon receiving such a signal, all vehicles at or approaching such intersection or crossing shall come to a full stop, leaving a clear lane through which such pedestrian may pass, and such vehicle shall remain stationary until such blind or partially blind pedestrian has completed the passage of such crossing or intersection. At any street, road or highway crossing or intersection,

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where the movement of traffic is regulated by traffic-control signals, blind or partially blind pedestrians shall be entitled to the right-of-way if such person having such cane or accompanied by a guide dog shall be partly across such crossing or intersection at the time the traffic-control signals change, and all vehicles shall stop and remain stationary until such pedestrian has completed passage across the intersection or crossing.”<sup>42</sup>

5. People with combined hearing and vision loss
  - a) Individuals may be Deaf-Blind, deaf with low vision, or hard of hearing with any kind of vision loss.
  - b) Prepare for when you encounter Deaf-Blind people, deaf with low vision, or hard of hearing with any kind of vision loss:
    - (1) Let the Deaf-Blind person know you are there by a simple touch on the shoulder or arm. Lay your hand there until this person faces you first. Then you can remove your hand. Some of them may raise their hand to look for your hand. Take their hand and do print-on-palm, although not everyone can communicate in this manner.
    - (2) Avoid bright/glaring and loud environments. In some cases, you may need to move to a well-lit area so the Deaf-Blind person with “night blindness” can see better.
    - (3) Identify yourself by name each time you approach or speak to the Deaf-Blind person. The Deaf-Blind person may not have enough vision or hearing to recognize you.
    - (4) Communicate directly with the person, even when using an interpreter.
    - (5) Do not assume the Deaf-Blind person knows where they are or what is going on. Share as much information as possible.
    - (6) Always tell the person when you are leaving, even if it is for a brief period. Leave them as comfortable and safe as possible.

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- (7) Guide the person to a table, chair, or wall to touch, so they feel more grounded when left alone.
  - (8) When guiding a person who is Deaf-Blind, never place him/her ahead of you. Allow the person to follow beside you, holding onto the back of your arm above the elbow. Keeping officer safety in mind, if you are right-handed, it is preferred to guide the individual using your left arm so that your service weapon is not easily accessible. If you are left-handed, it is recommended to guide the individual using your right arm, again, so that your service weapon is not easily accessible at any given time, compromising your safety.
  - (9) When giving the Deaf-Blind person an object, touch their hand with the object, or if the person has some vision, hold the object in front of your face so they can see it, depending on the type of visual impairment.
- c) When the Deaf-Blind is in danger, and you need to move that person, mark "X" with your finger on the Deaf-Blind person's hand, arm, or back to let her or him know that it is an emergency. Move that person to a safe place and then explain what is happening to that person. Keep in mind that there may be some Deaf-Blind people who are not familiar with the "X" emergency signal.
- d) Deaf-Blind people may use one or more ways to communicate, including the following methods:
- (1) Sign language, close or restricted signing space
  - (2) Tactile sign language
  - (3) Speech
  - (4) Touch communication systems – includes the use of touch signals to provide information about the visual environment, movement, emotion, direction, and maps
  - (5) Print on palm – using your index finger to trace letters and numbers on the palm of their hand
  - (6) Braille
  - (7) Large print

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- (8) Assistive listening devices
- (9) Technology such as their cell phones set up with accessibility features

### **F. Individuals with Physical Disabilities**

Aside from visual and hearing impairment, officers may encounter individuals who have physical disabilities or impairments as well. According to the National Criminal Justice Research, a disability is “defined as a physical, mental, or health impairment that substantially limits one or more major life activities, a record of such impairment, or being regarded as having such impairment. Disabilities included intellectual/developmental disabilities, physical disabilities, sensory disabilities (e.g., low vision/blind, hard of hearing, deaf), psychiatric disabilities (e.g., depression, schizophrenia), and multiple disabilities, including those described above.”<sup>43</sup>

Unfortunately, individuals with a disability are much more likely to become victims of a violent crime than those without a disability. The rate of violent victimization against persons with disabilities was at least twice the age-adjusted rate for persons without disabilities.<sup>44</sup> With fourteen percent of the United States population having a disability, it is highly likely that law enforcement will encounter individuals with a disability regularly.<sup>45</sup>

Officers must be prepared to make adequate accommodations for these individuals and understand how to assist them if needed. “Agencies should implement or extend streamlined interviewing and intake procedures so that crime victims with disabilities, particularly those with cognitive or communications disabilities, do not have to bear repeated interviewing in different locations. A multidisciplinary approach involving a law enforcement officer, a prosecutor, a victim assistance specialist, and others, as needed, in victim-friendly environments would be more effective and cost-efficient.”<sup>46</sup>

#### **1. Implications of a physical disability<sup>47</sup>**

Persons who have a physical disability experience functional limitations affecting one or more of their limbs. Therefore, certain equipment and devices are designed to aid them with mobility. Some of the more common assistant devices are:

- a) Wheelchairs
- b) Crutches
- c) Braces



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- d) Canes
- e) Walkers

### **2. Methods to respond to a person with a physical disability**

Individuals with disabilities may require some special accommodations but should be treated like any other member of the community. Law enforcement officers should not treat people with physical disabilities as if they cannot understand. To treat these individuals like all other members of the community and to make them comfortable, officers should:

- a) “Ask victims, ‘May I assist you?’ Rather than trying to help without asking. If victims need assistance, listen to their instructions. Victims know best how you can be helpful and what is safest for them.
- b) Be careful about making assumptions that victims cannot do something. Instead, ask how they usually do it.
- c) Treat assistive devices (wheelchairs, canes, walkers, crutches) as victims’ ‘personal space’ and valuable property. Do not lean on or rest your feet against a victim’s wheelchair, and do not touch any assistive device without first obtaining permission from the victim.
- d) Do not fall into an ‘up here/down there’ mindset toward victims who use a wheelchair, especially when you are talking with other persons who are standing. Position yourself in front of victims, at eye level, but do not kneel. If you cannot sit down, stand far enough back from victims so that you are not towering over them and so they are not straining their neck to see you.
- e) Move obstacles and open/close doors so that hallways are free of barriers and so that victims can easily and safely go forward, backward, and turn around.
- f) Offer to assist victims if they seem to be having trouble maneuvering in tight spaces.
- g) Ask victims who are using a wheelchair, or who are on a wheeled cot (gurney), which direction they prefer to face when you are assisting them in going up or down stairs or steep inclines. Also, use caution not to damage the wheelchair.

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- h) Be considerate of the extra time victims may need to move about and let them set your walking pace.
- i) Ask victims if they have a seating preference in situations where you are interviewing other persons at the same time. Recognize that victims may not need a special place upfront and probably do not want a segregated seating placement that draws attention and indicates that they are 'different.'
- j) Do not assume that victims who use a wheelchair can only sit in that type of chair. When other seating arrangements are available, ask victims if they would like to transfer to another chair. Always make sure that the wheelchair is locked before helping victims to transfer.
- k) Realize that victims can fully describe the crime, even if they are unable to physically demonstrate it.
- l) Never refer to victims as 'crippled,' 'confined' to a wheelchair, 'wheelchair-bound,' or 'handicapped.'
- m) Ask victims if their wheelchair was damaged during the crime and if so, assist them in getting immediate repairs or a loaner chair.
- n) Confirm with service providers that accommodations are available for victims before making referrals. Do not assume that providers know what architectural, transportation and other accommodations are needed. Ask victims about their specific needs and then tell providers of accommodation requirements.
- o) Assure victims that you understand their need for accommodations and specifically inform them of the accommodations that will be provided.
- p) Be mindful that victims' attendant could be the offender or could be protecting the offender. Furthermore, be prepared to assist victims in locating a replacement for the attendant.
- q) Offer to assist victims in filling out paperwork.
- r) Present all informational materials to victims directly. Ask victims if they would prefer that you give the materials to another person; or if victims have a purse, backpack, or other carrying case, ask if they would like you to place the documents there."<sup>48</sup>

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### **G. Elderly Victims**

Elderly individuals are regularly victims of several different types of crimes due to their increased vulnerability. Just as the other categories in this lesson, elderly individuals have specific situations and are more susceptible to becoming victims.

“When older people are victimized by crime, they may suffer worse physical, psychological, and financial injuries than other age groups. For example, when victims who are 65 years of age or older are injured in a violent crime, they are about twice as likely to suffer serious physical injury and to require hospitalization as any other age group. Because the physiological process of aging brings with it a decreasing ability to heal after an injury, older people may also never fully recover physically or psychologically from the trauma of their victimization. Also, this trauma may be worsened by their financial situation. Many older people live on fixed incomes and may be unable to afford the services that could help them in the aftermath of a crime.

It is understandable, therefore, why older people are often so fearful of crime. And this fear can be compounded by some other concerns that older people may face after a crime. They may doubt their ability to meet the expectations of law enforcement and worry that officers will think they are incompetent. They may worry that family members, upon learning of their victimization, will also think they are incompetent and belong in a nursing home. They may experience feelings of guilt for having ‘allowed’ themselves to be victimized. They may fear retaliation by the offender, who may also be their caregiver, for having reported the crime. And older victims may be anxious about their welfare, ashamed of their situation, and fearful of the consequences to their family member if they report abuse by that family member. Depending on your approach as a first responder, you can do much to reduce the fear, lower the anxiety, and restore the confidence of older victims with these concerns, and help them to maintain their dignity.

Finally, while some older people experience health or disability issues, many older people are healthy and active and do not have any physical or cognitive limitations that will require accommodations from you. It is important, therefore, never to assume that older people are frail or have a disability based solely on their age. Instead, it is best to ask older victims—like all victims—what special assistance, if any, they need from you as a first responder.”<sup>49</sup>

1. Interviewing the elderly
  - a) “Make the victim as comfortable as possible.
  - b) Tell the victim what to expect during the investigation.

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- c) Minimize the number of interviews and the number of people present.
- d) Allow the victim to describe the incident in his or her own words.
- e) Be patient and reassuring. Some older people, particularly those in crisis, may need time to collect their thoughts and may need to take frequent breaks.
- f) Avoid unnecessary pressure.
- g) Acknowledge the victim's anxiety and try to discern its cause. For example, you may say, "You seem anxious. Are you concerned that your son will find out that you have talked with me?"
- h) Keep it simple. Phrase questions in a clear, concise fashion.
- i) Keep questions short.
- j) Ask open-ended questions that encourage further discussion.
- k) Accept and use victim's terminology and language for acts, body parts, etc.
- l) Avoid influencing the victim's account of the alleged offense.
- m) If you feel that the older person is having difficulty understanding or communicating, ask him or her if he or she has assistant devices or someone who can help.
- n) Ask the victim if he or she would like assistance. If so, ask how he or she would like to be assisted. Do not guess.
- o) Even if the victim appears to be somewhat confused, do not discount the information. Make every effort to obtain the fullest possible response before relying on information from others.
- p) If you need another person to assist in communicating or providing information for the victim, conduct the conversation in the victim's presence and look for signs of corroboration from the victim (e.g., nodding in agreement). Do not discuss the victim as if he or she is not in the room.

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- q) Do not discount a complaint because the victim is unwilling to cooperate. Do not argue with the victim.
- r) Assess the likelihood of retaliation. If a threat is present, arrange for protection. The Elder Abuse Provider Agency in your area may be of assistance.
- s) Determine whom the victim first told about the abuse.
- t) Show the victim records or other documents that suggest abuse. Record his or her response to each one that is in dispute.
- u) Conclude the interview in such a fashion that the victim feels free to contact the investigator again.
- v) Ensure that the victim is capable and has the means for contact. If not, take measures to facilitate follow-up with the victim.”<sup>50</sup>

### **2. Financial crimes against the elderly**

“Financial crimes and exploitation can involve the illegal or improper use of a senior citizen’s funds, property or assets, as well as fraud or identity theft perpetrated against older adults.

While exact statistics on how often financial crimes against the elderly occur are not available, it is widely believed to be underreported by the victims. A recent study published by MetLife Mature Market Institute estimates the financial loss by victims of elder financial crimes and exploitation exceeds 2.9 billion dollars annually.”<sup>51</sup>

“The FBI’s Common Fraud Schemes webpage provides tips on how you can protect yourself and your family from fraud. Senior citizens especially should be aware of fraud schemes for the following reasons:

- a) Senior citizens are most likely to have a ‘nest egg,’ own their home, and have excellent credit—all of which make them attractive to con artists.
- b) People who grew up in the 1930s, 1940s, and 1950s were generally raised to be polite and trusting. Con artists exploit these traits, knowing that it is difficult or impossible for these individuals to say ‘no’ or just hang up the telephone.
- c) Older Americans are less likely to report a fraud because they don’t know who to report it to, are too ashamed at having been

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scammed, or don't know they have been scammed. Elderly victims may not report crimes, for example, because they are concerned that relatives may think the victims no longer have the mental capacity to take care of their financial affairs.

- d) When an elderly victim does report the crime, they often make poor witnesses. Con artists know the effects of age on memory, and they are counting on elderly victims not being able to supply enough detailed information to investigators. Also, the victims' realization that they have been swindled may take weeks—or more likely, months—after contact with the fraudster. This extended time frame makes it even more difficult to remember details from the events.
- e) Senior citizens are more interested in and susceptible to products promising increased cognitive function, virility, physical conditioning, anti-cancer properties, and so on. In a country where new cures and vaccinations for old diseases have given every American hope for a long and fruitful life, it is not so unbelievable that the con artists' products can do what they claim.”<sup>52</sup>

North Carolina has a specific statute that addresses the exploitation of an older adult or disabled adult.<sup>53</sup> Additionally, other acts of financial crimes that can be charged alongside the abuse, neglect, or exploitation of disabled adults charge.

### **H. Non-English Speaking and Foreign-Born<sup>54</sup>**

- 1. In America's increasingly multicultural society, situations involving cross-cultural interaction are becoming ever more commonplace for law enforcement. This foreign-born population can be especially vulnerable to crime, such as exploitation and human trafficking. Moreover, immigrants are less likely to report their victimization to law enforcement, or access support services in the aftermath of a crime, than are members of the native-born United States population.
- 2. Differences in cultural norms and verbal and nonverbal communication can often result, therefore, in miscommunication between first responders and immigrant victims of crime.
- 3. Immigrants may fear or distrust law enforcement and be reluctant to call for help or cooperate with first responders. They may fear deportation or separation from their family.
- 4. Considerations

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- a) Empathize with their fears, such as their fear of being deported or losing custody of their children.
  - b) Understand that their immigration status could be legally tied to their offender and their need for an immigration attorney.
  - c) Do not neglect when victims are being uncooperative. They may feel threatened by their offender or fear retaliation towards them or their families.
  - d) Recognize that they may not understand our government and the differences between various law enforcement agencies.
  - e) Refer them to immigration services in your area that can assist them.
5. Responding to an immigrant
- a) Do not discriminate based on national origin. Be aware of your biases and be non-judgmental in your responses.
  - b) Be aware of the cultural differences they may have from our cultural (i.e., eye contact, physical gestures, touching, display of emotion, etc.).
  - c) Explain your role as a law enforcement officer and keep your manner encouraging.
  - d) Use the word “immigrant” rather than “alien.” Although “alien” may be the correct legal term, it has a negative connotation for some people.
  - e) Use a qualified interpreter/translator, if at all possible to communicate. A victim’s family members or friends are inappropriate unless it is an emergency.
  - f) Speak slowly and pronounce your words clearly, avoiding slang or jargon. Never use your voice to be understood.
  - g) Listen attentively and patiently.
  - h) Do not interrupt, correct grammar, or put words in the victim’s mouth.
  - i) Repeat your statements using different words so that you are understood.

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- j) Use gestures, mime, and props to visually demonstrate your words. When possible, use words that relate to things you both can see.
- k) Ask open-ended questions that require more than a yes or no answer and frequently summarize what you understood the person to say.
- l) Do not pretend to understand if you are not sure that you fully understood them. Instead, repeat to them what you think you heard them say and ask for clarification.
- m) Keep your manner encouraging.
- n) Never raise your voice to be understood.
- o) Say numerals for street addresses and telephone and other numbers one at a time. For example, give your telephone number, including the area code, as seven, zero, three, eight, three, eight, five, three, one, seven. Do not say seven, zero, three, eight, three, eight, fifty-three, seventeen.
- p) Allow extra time for communication.

### **I. Service Animals**

- 1. What is a service animal?
  - a) As defined by the Americans with Disabilities Act (ADA), a service animal is any animal individually trained to assist an individual with a disability.
  - b) Also, to guide dogs that are used by people with visual disabilities, service animals may assist by:
    - (1) Alerting people with hearing disabilities to sounds
    - (2) Pulling wheelchairs or carrying or picking up objects for people with mobility disabilities
    - (3) Assisting people with mobility disabilities with balance
    - (4) Alerting a person to the onset of a medical crisis (seizure, insulin shock, etc.)
- 2. Right to use service animals



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- a) 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.
- b) N.C.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.
- c) This legislation also allows for animals in training to be taken into public entities and businesses that serve the public.

### **3. Limitations**

- a) A service animal is not a pet.
- b) 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.
- c) 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.
- d) 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.

### **4. Interaction with law enforcement officers**

- a) Officers may be called to businesses where individuals are accompanied by service animals to explain the law to and the right of the individual to be accompanied by a service animal.
- b) 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

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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.

### **J. Crime Victims Compensation<sup>55</sup>**

Another avenue victims of crime may wish to pursue 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)
2. Who is a victim under the North Carolina Crime Victims Compensation Act?

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 occurring on or after August 13, 1987, which by its nature:

- a) Poses a serious threat of personal injury or death.
  - b) Is punishable by a fine or imprisonment or death.  
Does not result from a violation of the motor vehicle laws except in conduct related to Driving While Impaired and Hit and Run.
  - c) Results from an act of terrorism on North Carolina residents while outside the USA.”<sup>56</sup>
3. “Victims Compensation Services reimburses citizens who suffer medical expenses and lost wages as a result of being an innocent

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victim of a crime committed in North Carolina. Victims of rape, assault, child sexual abuse, domestic violence and drunk driving, as well as the families of homicide victims, are eligible to apply for financial help.”<sup>57</sup>

“A maximum of \$45,000 may be paid for an award for medical expenses related to treatment of injuries as a result of the crime. A maximum of \$10,000 may be paid for funeral expenses when the victim dies as a result of the crime.”<sup>58</sup>

### 4. Who is eligible? (N.C.G.S. § 15B-2(2))

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)
- d) A person who is authorized to act on behalf of a victim, a dependent, or a third person described in “c.”

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

## 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 victims.

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

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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 responding to citizens in many different capacities. The better you understand these different roles and adapt to 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.

1. In writing and demonstrated in practical exercise, explain the correct behaviors and actions to take when responding to the public and the victim of a crime.
2. In writing, explain the characteristics of trauma and how a law enforcement officer should assist a victim suffering from trauma.
3. In writing and demonstrated in practical exercise, explain the correct behaviors to take when responding to the victim of a sexual assault.
4. In writing and demonstrated in practical exercise, explain the correct behaviors to take when responding to a citizen who is audibly impaired.
5. In writing and demonstrated in practical exercise, explain the correct behaviors to take when responding to a citizen who is visually impaired.
6. In writing and demonstrated in practical exercise, explain the correct behaviors to take when responding to a citizen who is physically disabled.
7. In writing and demonstrated in practical exercise, explain the correct behaviors to take when responding to an elderly citizen.
8. In writing and demonstrated in practical exercise, explain the correct behaviors to take when responding to a non-English speaking citizen.
9. List, in writing, 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.
10. Demonstrate, with practical exercises, the appropriate methods of communicating with suspects, defendants, victims, and their families to provide and obtain necessary information for civil rights compliance, perhaps limited English proficient populations.

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- B. 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 or her behavior may inadvertently re-victimize the victim or contribute significantly to the healing process. Victims judge an officer by the level of caring shown as well as his or 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 restoration for the victim's emotional life. Treating others as you would also like to be treated will go a long way in your public encounters, investigations, and for law enforcement and community relations as a whole.

**NOTES**

- <sup>1</sup> United States Department of Justice Office of Justice Programs.
- <sup>2</sup> North Carolina Department of Health and Human Services.
- <sup>3</sup> United States Department of Justice, Page 5, table 2.
- <sup>4</sup> Reynolds.
- <sup>5</sup> Lurigio and Mechanic.
- <sup>6</sup> N.C.G.S. § 15A-824 (2020).
- <sup>7</sup> N.C.G.S. § 15A-825 (2020).
- <sup>8</sup> N.C.G.S. § 15A-831 (2020).
- <sup>9</sup> North Carolina, Victim Assistance Network.
- <sup>10</sup> The National Center for Victims of Crime, “The Trauma of Victimization.”
- <sup>11</sup> The National Center for Victims of Crime, “The Trauma of Victimization.”
- <sup>12</sup> North Carolina, Victim Assistance Network.
- <sup>13</sup> “Victim Responses to Sexual Assault: Counterintuitive or Simply Adaptive?”
- <sup>14</sup> “Victim Responses to Sexual Assault: Counterintuitive or Simply Adaptive?,” 3.
- <sup>15</sup> “Victim Responses to Sexual Assault: Counterintuitive or Simply Adaptive?,” 4-5.
- <sup>16</sup> New York State Coalition Against Sexual Assault.
- <sup>17</sup> New York State Coalition Against Sexual Assault, 4-5.
- <sup>18</sup> International Association of Chiefs of Police.
- <sup>19</sup> New York State Coalition Against Sexual Assault, 3.
- <sup>20</sup> United States Department of Justice, “Myths and Facts about Sexual Violence.”
- <sup>21</sup> The Commonwealth of Massachusetts Executive Office of Public Safety and Security.
- <sup>22</sup> New York State Coalition Against Sexual Assault.

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<sup>23</sup> United States Department of Justice, “Myths and Facts about Sexual Violence.”

<sup>24</sup> New York State Coalition Against Sexual Assault.

<sup>25</sup> New York State Coalition Against Sexual Assault.

<sup>26</sup> The National Center for Victims of Crime, “Best Practices: Responding to Crimes against People with Disabilities, Deaf Individuals and Older Adults: A Guide for Law Enforcement and Service Agencies.”

<sup>27</sup> American Foundation for the Blind, “Learning About Blindness.”

<sup>28</sup> American Foundation for the Blind, “Low Vision and Legal Blindness Terms and Descriptions.”

<sup>29</sup> American Foundation for the Blind, “Low Vision and Legal Blindness Terms and Descriptions.”

<sup>30</sup> American Foundation for the Blind, “Low Vision and Legal Blindness Terms and Descriptions.”

<sup>31</sup> Decker.

<sup>32</sup> Howell.

<sup>33</sup> Decker.

<sup>34</sup> The National Center for Victims of Crime, “Best Practices: Responding to Crimes against People with Disabilities, Deaf Individuals and Older Adults: A Guide for Law Enforcement and Service Agencies.”

<sup>35</sup> Speight, February 10, 2017.

<sup>36</sup> United States Department of Justice Office of Justice Programs, “First Response to Victims of Crime: A Guidebook for Law Enforcement Officers.”

<sup>37</sup> Speight, February 10, 2017.

<sup>38</sup> Speight, February 10, 2017.

<sup>39</sup> Speight, February 10, 2017.

<sup>40</sup> The National Center for Victims of Crime, “Best Practices: Responding to Crimes against People with Disabilities, Deaf Individuals and Older Adults: A Guide for Law Enforcement and Service Agencies.”

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<sup>41</sup> Speight, February 10, 2017.

<sup>42</sup> N.C.G.S. § 20-175.2 (2020).

<sup>43</sup> Brown, Agha, Demyan, and Beatriz.

<sup>44</sup> Harrell.

<sup>45</sup> Harrell, 3.

<sup>46</sup> Tyiska.

<sup>47</sup> United States Department of Justice Office of Justice Programs, “First Response to Victims of Crime: A Guidebook for Law Enforcement Officers.”

<sup>48</sup> United States Department of Justice Office of Justice Programs, “First Response to Victims of Crime: A Guidebook for Law Enforcement Officers.”

<sup>49</sup> United States Department of Justice Office of Justice Programs, “First Response to Victims of Crime: A Guidebook for Law Enforcement Officers.”

<sup>50</sup> Illinois Family Violence Coordinating Councils.

<sup>51</sup> “Financial Crimes against the Elderly 2016 Legislation.”

<sup>52</sup> Federal Bureau of Investigations.

<sup>53</sup> N.C.G.S. § 14-112.2 (2020).

<sup>54</sup> Federal Bureau of Investigations.

<sup>55</sup> North Carolina Department of Crime Control and Public Safety.

<sup>56</sup> North Carolina Victim Assistance Network.

<sup>57</sup> North Carolina Department of Public Safety, “Crime Victim Compensation,” para 1.

<sup>58</sup> North Carolina Department of Public Safety, “Crime Victim Compensation,” para 4.