

DEPARTMENT GENERAL ORDER 08-02

OFFICE of the CHIEF OF POLICE
REPLACES: General Order 99-53
SOP 501.104.00

DATE: January 16, 2008

VICTIM AND WITNESS ASSISTANCE SERVICES

I. PURPOSE.

As victim/witness assistance programs are essential to effective law enforcement, the following guidelines shall govern the activities of department personnel in regard to the types and level of services to be provided to victims or witnesses of crime.

II. DEFINITIONS.

Assistance Services - To aid victims and witnesses of crime by providing information, advice, protection services and other forms of assistance.

Victim - A person, other than a perpetrator or accomplice, who suffers direct or threatened physical, emotional, or financial harm as a result of the commission or attempt commission of a crime. The term victim also includes the family members of a minor, incompetent person, or homicide victim.

Witness - A person, other than a perpetrator or accomplice, who possesses information or evidence relevant to the investigation and prosecution of a crime.

III. VICTIM/WITNESS SERVICES

As an integral part of the department's response to crime and victimization, department employees will provide victims and witnesses with assistance information, as requested, at all stages of the investigation and prosecutorial process. This shall include:

- 1). Time span between victimization and preliminary investigation.
- 2). During the preliminary (initial) investigation.
- 3). During the follow-up investigation period.
- 4). During court proceedings and sentencing.

A. Assistance Information

The department will serve as one of several potential sources of information concerning the availability of victim/witness services and their rights as provided for by law. A directory of such information shall be maintained by the East Central Dispatch Center and the department Records Unit. The information will be updated as necessary. Same shall include, but not be limited to: counseling services, emergency shelters, victim services, transportation services, and various other governmental and service organizations.

Assistance information shall be available on a twenty-four basis.

B. Referral Information

Non-emergency requests for information or assistance which are received by ECDC and records personnel, and which are beyond this agency's scope or operational purview, will be referred to the proper agency or organization.

C. Single Point of Contact

The East Central Dispatch Center will serve as the point of contact for those victims/witnesses requesting information or assistance. Non-emergency requests may be referred to another agency or to an officer, depending upon the type of information requested. However, when a request is directed to a sworn employee, ECDC personnel shall, whenever possible, refer the individual to the specific officer(s) assigned the case or their supervisor.

In the event an emergency request is received, where a victim's or witness'

physical safety is in jeopardy, ECDC shall dispatch officers and/or other emergency service personnel to the scene in accordance with established procedure. In those instances where an emergency request for assistance does not require an on-scene response, ECDC will relay the request to the Clayton on-duty supervisor (if readily available), who shall then address the issue.

D. Inter-Agency Cooperation

The Police Department will cooperate, as appropriate (contingent upon the type of request and the availability of resources), with local, state, and federal governmental agencies, and social services organizations that are involved with providing assistance to victims and witnesses of crime.

Should this department receive such a request, same shall be forwarded through the appropriate chain of command to the commander of the Field Operations Bureau. Upon his review, he may assign one or more uniformed officers to address/handle the situation, request the involvement of another department bureau or division, or refer the information to a local outside agency.

Irrespective of the decision made, this department will apprise the originating agency/organization of the status of their request and what actions may, or may not, have been initiated. Department involvement in such instances will be documented as necessary.

V. VICTIM/WITNESS PROTECTION

When evidence suggests that attempts have been or may be made to intimidate or otherwise dissuade a victim or witness to a crime from testifying or otherwise cooperating with a criminal prosecution, the officers involved in the case will inform the victim or affected witness of their right to petition the court for an order of protection in accordance with RSMo 491.600. This agency shall then initiate an incident report to document the alleged victim/witness tampering, and provide assistance, as necessary, on a case-by case basis and in conjunction with available resources, to ensure the safety of such individuals.

In those instances where reliable evidence or information exists to suggest that the physical safety of a victim/witness may be endangered, department members shall provide the necessary information to the victim/witness so that same may submit a request via the prosecuting attorney's office to the Missouri Department of Public Safety for protective and financial assistance. Should circumstances preclude the victim or witness from requesting such assistance on their own, the department may submit such a request on their behalf.

Department personnel who may learn of a threat to the safety of a victim/witness residing in another jurisdiction will notify the responsible agency of the threat, and provide such information concerning potential suspects as is available. The officer(s) responsible for such notification

shall also request their assistance in providing escort and/or other protective services to the victim or witness in question.

In addition, the department will cooperate, as is reasonable, with other law enforcement or public service agencies in the provision of victim/witness protective services.

VI. ASSISTANCE DURING PRELIMINARY INVESTIGATIONS.

Victim/witness services which will be rendered during preliminary investigations include, but are not limited to:

- 1). Advising the victim of the existence of applicable services and that the name, phone number, and address of the appropriate agencies or organizations are available through the department's communications unit.
- 2). Advising the victim/witness of their rights (protections) under the law.
- 3). Providing the victim/witness with the incident report number (if available) and that a copy of the report may be made available to them. Also, what subsequent steps will be taken by the department as a matter of routine investigative and enforcement procedures.
- 4). Advising the victim/witness of steps that should be taken if same are threatened by the suspect, his companions, or family.
- 5). Providing the department's phone number and address (via business card, if available) to the victim or witness in the event they may desire to provide or receive additional information about the case.
- 6). Providing limited escort service to the victim or witness to ensure their arrival at a place of safety.
- 7). Standing by to keep the peace in the event the victim or witness wishes to secure their personal belongings or otherwise conduct business in a hostile environment.

VII. ASSISTANCE DURING FOLLOW-UP INVESTIGATIONS.

Victim/witness services which will be rendered during follow-up investigations include, but are not limited to:

- 1). Advising the victim of the procedures involved in the prosecution of their cases and their role in those procedures, where such participation does not jeopardize the successful prosecution of the case.
- 2). Periodically re-contacting the victim/witness to apprise them of the status of their case, and determine whether their needs (in terms of assistance services) are being met. The first of such contacts should occur within ten working days after the report has been forwarded for investigative action, if possible.
- 3). Scheduling line-ups, interviews, and other required appearances at the convenience of the victim/witness whenever possible. This shall be especially crucial in those instances where the impact of a crime on a victim has been unusually brutal or severe.
- 4). Providing transportation and serving as an escort for victims/witnesses to attend line-ups, interviews, etc. as necessary.
- 5). Returning items of the victim's personal property which were seized as evidence in a timely manner at the conclusion of the case. Contraband, disputed property, and weapons used in the course of the crime shall be handled/disposed of in accordance with established law and department policy.
- 6). Assigning a specific detective to handle the follow-up investigation of each individual case, who shall also be responsible to serve as the primary contact/advocate for the victim during the investigative process.

A. Arrest Status Reports

In those instances where a suspect has been arrested for a criminal offense, the arresting officer (either uniformed or plain-clothes) shall notify the victim and/or witnesses that an arrest has taken place within a reasonable time frame. Contact will again be initiated at the time a warrant is issued, when the victim/witnesses will be apprised of the charges against the suspect and his/her current custody status. Should a change occur in the suspect's confinement or prosecution status, this information shall also be passed along to the victim and witnesses in a timely manner.

Where a delay or extenuating circumstance exists, thereby creating a question as to whom shall be responsible for the above notifications, the responsibility will fall to the detective assigned to the case.

VIII. EMERGENCY NOTIFICATIONS.

In those instances where department personnel may be required to notify the next-of-kin of deceased, seriously injured or seriously ill persons, such notification shall be carried out in accordance to the procedures contained in the general order that addresses “Emergency Notifications.”

BY ORDER OF:

THOMAS J. BYRNE
Chief of Police

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