

St. Joseph, Missouri Police Department



DIRECTIVE TYPE: GENERAL ORDER		INDEX NUMBER: GO0121
SUBJECT: Victim/Witness Assistance		
EFFECTIVE DATE: September 21, 2001	REVISIONS: 7/21/06, 07/20/15	AMENDS/RESCINDS: GO0020
		DISTRIBUTION: A (All)

I. POLICY:

Members of this Department shall exhibit sensitivity, compassion, and professional concern for the needs and welfare of crime victims and witnesses. Positive interaction with the victim/witness is essential, as no other component of the criminal justice system can effectively duplicate this opportunity. Missouri Law dictates additional requirements of law enforcement when dangerous felonies occur. Members shall comply with State provisions affecting victim and witness rights, and shall be aggressive in providing those services. For those services not offered directly by the Department, members shall refer and assist victims in securing assistance from other public and private agencies. (See RSMo. Chapter 595) The Department shall maintain a contract for language translation services that complies with Title VI of the Civil Rights Act of 1964 and the Safe Streets Act of 1968. Family members of a Department member who are victims of serious in-the-line-of-duty injury or death shall receive the appropriate support from the agency.

II. DEFINITIONS:

- A. **Victim:** A person, other than the perpetrator or accomplice, who suffers direct or threatened physical, emotional, or financial harm as a result of the commission or attempted commission of a crime. The term victim also includes the family members of a minor, incompetent person, or homicide victim.
- B. **Witness:** A person, other than a perpetrator, accomplice, or person employed in the administration of criminal justice, who has information or evidence relevant to the investigation of a crime.
- C. **Dangerous Felonies:** Felonies of Arson in the first degree, Assault in the first degree, Forcible Rape, Forcible Sodomy, Kidnapping, Murder in the first and second degree, Burglary in the first degree, and Robbery in the first degree. (See Missouri Revised Statutes Section RSMo 556.061)

III. PROCEDURE:

A. Law Enforcement/Member Duties

1. In Missouri, law enforcement has an affirmative duty by law (RSMo. Section 595.209) to ensure victims of "dangerous felonies" are informed of their lawful rights.

These include the availability of victim compensation assistance, access to reports and information, and emergency crisis intervention services available in the community.

2. Officers responding to calls of this nature shall provide victims with information as required by law and ensure that victims adequately understand their rights and the availability of victim/witness advocates. Pamphlets containing available victim/witness services will be accessible to members for this purpose, and for reference in informing the public about such services.
3. Upon request, victims and witnesses of all other crimes shall also be afforded the same rights as victims of “dangerous felonies” as provided by RSMo. 595.209.
4. Department members shall cooperate with prosecuting attorneys, other law enforcement agencies, local social service agencies, and the courts to afford victims and witnesses the rights and services provided by law.

B. Confidentiality of Certain Records:

1. Under the Missouri Sunshine Law, the initial incident report of an occurrence is an open record. However, investigative reports and the investigative records and/or files of victims/witnesses **are not** open records. In sexual assault cases, the identities of the victims/witnesses and their role in the case shall remain protected information. Members shall not put the name of sex crime victims on the front page of offense reports. (see RSMo 610.100)

C. General Responsibilities:

1. The Chief of Police or other Department designee(s) will maintain liaisons with victim/witness service agencies.
2. The Detective Division will handle inquiries about victim/witness services during regular business hours.
3. The Communications Center will serve as the single point of contact after regular business hours for information concerning the availability of victim/witness services, as well as general information or service requests. Timely assistance and/or referral will be provided as required for emergency and non-emergency requests for service. The caller shall be informed of the department’s response, including direct service or referral to another agency. Additional information available to victims, witnesses, or other interested parties through dispatch and responding personnel will include, but are not limited to:
 - a. Victim advocacy, counseling, medical attention, compensation programs information, and emergency financial assistance information;
 - b. Advising the victim/witness about what to do if the suspect or the suspect's companion/s or family threatens or otherwise intimidates him/her;
 - c. Informing victims/witnesses about the case number, and subsequent steps in the processing of the case; and
 - d. Providing a telephone number that the victim/witness may call to report additional information about the case or to receive information regarding the status of the case.
4. **The Support Services Division** shall be responsible for a documented annual review of victim/witness assistance needs and available services within the community at least once every three years. This may be performed through mutual cooperation with the State Prosecuting Attorney's Office.
5. **Detention Personnel** shall notify victim(s) if a suspect in City custody is released on bond, escapes, or is recaptured as stipulated under Missouri Law (RSMo. Section 595.209). This shall be recorded on the “Crime Victim's Bill of Rights Notification

Record” (SJPD form 0075). Detention staff shall contact an on-duty supervisor if they are unable to make the notification, and further attempts at informing victims/witnesses shall be recorded.

6. **Victim Assistance During Criminal Investigation Follow Up:**

Follow-up investigation is another opportunity to assist the victim/witness. The way they are treated can have an immediate and lasting effect on our ability to prosecute and convict criminals. The investigating officer will cooperate with Victim/Witness Services Advocates assigned to the Office of the Prosecuting Attorney, and may assist in ensuring that victims/witnesses are kept informed of the progress of the case and are rendered basic services including:

- a. Making a good faith effort to re-contact the victim/witness within a reasonable period of time when the impact of the incident is likely to be significant.
- b. Providing information concerning procedures involving prosecution of the case and the victim's role in those procedures.
- c. Scheduling line-ups, follow-up interviews, and required appearances at the convenience of the victim/witness, when practicable. If necessary, investigators may provide transportation for the victim/witness.
- d. Promptly returning seized personal property not needed as evidence, as stipulated under Missouri Law.
- e. Referring the victim to the appropriate support organization for victim advocacy services.
- f. Notifying the victims or witnesses of arrests made relating to the case and the arrestee's custody status as required in RSMo Section 595.209.

7. **Victim/Witness Protective Services:**

- a. When evidence suggests that attempts have been or may be made to intimidate or otherwise dissuade witnesses or crime victims from testifying, in violation of Section 575.270 RSMo, investigating officers will ensure that victims/witnesses are informed of their right to petition the court under the authority of Section 491-600 RSMo for a protection order. The agency shall provide appropriate assistance to victims/witnesses who have been threatened.
- b. In those cases where evidence suggests that the safety or life of a victim/witness may be endangered, a request may be made by a victim/witness or Department member(s), through the appropriate Prosecuting Attorney, for necessary financial or other assistance available from the Missouri Department of Public Safety to provide protection in accordance with 491.640, RSMo.
- c. Department members learning of possible threats to the safety of victims or witnesses living in another jurisdiction will notify the responsible agency of the threat and request assistance be provided them concerning witness notification and protection.

8. **Emergency Notifications:** The Department, at times, must make notifications of death, serious injury, serious illness or other emergencies. When appropriate, the Department will quickly and compassionately honor these requests and deliver notifications as follows:

- a. Death notification will be made in person if at all possible. Request for notification regarding serious injury, illness or other emergency will be honored only when it becomes clear that the person making such a request is unable to deliver the message through other means. Members will determine what additional assistance (such as chaplain corps participation) is necessary on a case by case basis.

Emergency messages must only be accepted for delivery in death, serious injury, or serious illness situations.

- b. Before leaving a notified party, the member should attempt to assist in providing the presence of a friend, family member, or other support person when appropriate.
 - c. Unless specifically stated in the citizen's request, juveniles shall not be given a death message when the parents/guardians are not immediately available. They will be advised to have a parent contact the Department.
 - d. In cases where an attempt(s) has been unsuccessful to locate the requested individual, a note addressed to the person may be secured near an entrance requesting them to contact the Department by phone as soon as possible. The information regarding the death notification shall not be written on the note.
9. **Assistance to Employees and Their Families:**
- a. The Incident Commander of an employee killed or seriously injured in the line of duty shall initially ensure that the family of the employee is notified in a timely, personal manner, and that the family is properly supported by this Department at the hospital. The Incident Commander shall ensure that the Chief of Police and all other appropriate personnel are immediately contacted about the death and/or injury. The Department shall offer to assign a member of the family's preference to assist the family as needed.
 - b. The Chief of Police or his/her designee shall ensure that the family's wishes are adhered to at any subsequent funeral and/or memorial service(s).
 - c. The Chief of Police or his/her designee shall ensure the family is afforded support from this Department during any related criminal proceedings and that long-term contact is maintained with the family to stay informed of their needs.
 - d. The Department will aid members and/or their family in case of illness, injury, or death by:
 - 1) Offering assistance in the filing of appropriate claims for medical and life insurance benefits/policies privately secured by the deceased member, or benefits/policies provided by the Department, City, State, or Federal Government.
 - 2) Ensuring that all up to date information regarding the member has been forwarded to the Director of Human Resources.
 - 3) Providing other services as determined by the Chief of Police, or through request of the Human Resources Director.

Chris Connally, Chief of Police

Date