

NEW CANAAN POLICE DEPARTMENT

SUBJECT: VICTIM/WITNESS ASSISTANCE

GENERAL ORDER NUMBER: 93-2-101

FILE: OPS 5

Operations Support

I PURPOSE/POLICY

It has been found through research over time and jurisdictions that witness related problems are a major cause of case attrition after arrest and before plea or trial. Similarly, such research also suggests that the probability of conviction increases markedly as the number of cooperative witnesses increases. If victims and other witnesses are subjected to what they consider poor treatment, they can be expected to offer something less than wholehearted cooperation with law enforcement agencies. This can have a devastating effect on investigations and subsequent prosecutions. It may be presumed that the manner in which an officer treats a victim or witness when a crime occurs, or after its occurrence, will have a direct bearing on the person's ability to cope with the crime and their willingness to assist in the prosecution of the offender(s).

It is the policy of the New Canaan Police Department to recognize the important investigative and prosecutory role that victims and witnesses play in criminal prosecutions. It recommends or provides assistance and services that will aid in the victim's physical and emotional recovery and to assist them as they continue to interact with the criminal justice system.

The purpose of this general order is to establish guidelines necessary to ensure that all victims and witnesses are fully informed of their rights and services available to them. It also dictates that they are handled in a compassionate, competent and professional manner when dealing with Department personnel.

II RESPONSIBILITY

It is the responsibility of all departmental personnel to adhere to this general order. It is the additional responsibility of the supervisory and command staff to insure compliance.

III PROCEDURES (ORGANIZATION AND ADMINISTRATION)

A The following terms, for purposes of this general order, shall be defined as follows:

1. Single Point of Contact - A specific person, position, organizational component, or telephone number.
2. Specified Crime - All felonies, all misdemeanor crimes against persons and upon the recommendation of the supervisor/responding officer, other crimes.
3. Victim - A person who suffers physical, financial or emotional harm as the direct result of a specified crime committed upon his/her person or property. Others also regarded as victims are:

- a. A spouse, child, parent, or legal guardian of a minor victim.
 - b. A spouse, child, sibling parent or legal guardian of a homicide victim. (The definition excludes any person involved in a crime as perpetrator or accomplice).
4. Victim Advocate - A person authorized by the agency to assist in specified ways. Such advocates may be agency members (sworn or unsworn) or volunteers.
 5. Witness - A person who, as determined by the police department, has information or evidence relating to the investigation of a specified crime. When the witness is a minor, the term "Witness" includes an appropriate family member. A "Witness" does not include a defense witness or anyone involved in the crime as a perpetrator or accomplice. **All victims are witnesses.**
- B** The victim of a crime has specific rights and expectations which shall include the right to be treated with dignity, fairness and compassion by officers of this department conducting a criminal investigation. Additional victims rights as provided by the Office of Victim Services and other legislative mandates (Re: C.G.S. 54-203) as applicable, shall include:
1. The right to assistance in obtaining immediate medical care, if required.
 2. The right to request to be notified by the Corrections Department or States Attorney's Office of court proceedings; including arrest, arraignment and release of the offender, (Re: C.G.S. 18-81e and 51-286e).
 3. The right to be protected from harassment from an employee for appearing as a witness if he/she has received a subpoena, (Re: C.G.S. 54-85b).
 4. The right to have property returned if it was seized by police in the investigation or prosecution of a crime committed against him/her in accordance with departmental policy and applicable state statute.
 5. The right to make application for compensation for any bodily injuries he/she has suffered as a result of the crime.
 6. The right to request to be informed of services and agencies that can help him/her, including assistance of a victim advocate.
- C** The State of Connecticut's Office of Victim Services and the Offices of the Victim Advocate and Family Services are delegated with the responsibility of providing assistance to victims and witnesses within the court system. The police department recognizes the crucial role that it and these agencies play in providing assistance to a victim/witness. As such, the Department is firmly committed ensuring that these resources are made available to a victim/witness. This commitment shall be accomplished by:
1. Delegating responsibility for the administration and coordination of the Department's victim/witness activities to the Community Relations/Crime Prevention and Training Units. Such responsibilities shall include:

- a. Ensuring that the Department's victim/witness assistance programs and/or procedures are adequate and comply with applicable state statutes. When resources permit, this may be accomplished through an analysis of victim/witness assistance needs and available services within the Department's service area. The analysis would be conducted at least every three years and may be conducted by an outside agency, if such an analysis is current. The analysis must include the following elements at minimum:
 - 1) The extent and major types of victimization within the Department's service area.
 - 2) An inventory of information and service needs of victims/witness in general (including family of homicide or suicide victims) and special victims, such as those victimized by domestic violence, abuse and neglect, sexual crimes and drunken drivers.
 - 3) Victim assistance and related community services available within the Department's service area.
 - 4) Identification of all unfulfilled needs and the needs that are appropriate for the police department to meet.
- b. Developing, and/or amending departmental policies and procedures on the basis of the analysis. If such analysis has been conducted. These policies and procedures shall, at a minimum:
 - 1) Govern the implementation and delivery of victim/witness assistance services by police department personnel.
 - 2) Ensure the confidentiality of records and files of victims/witnesses and their role in case development to the extent consistent with applicable law.
 - 3) Govern departmental efforts to periodically inform the public and media about the police department's victim/witness assistance services.
 - 4) Govern the relationship between the police department and victim/witness efforts of other agencies and organizations.
- c. Maintaining liaison with other criminal justice agencies, governmental and non-governmental agencies/organizations concerned with victim/witness needs and rights.
 - 1) The liaison function shall serve two purposes:
 - a) To ensure that referrals of victims/witnesses to outside sources are based upon accurate and up-to-date knowledge of the services offered by those sources.
 - b) To maintain an ongoing channel of communication by which to offer and receive suggestions about how departmental and outside sources can more effectively work together to better serve the victim/witness. This communication may be initiated by letter, phone call or in person.

2. Ensuring that departmental personnel are trained in and are aware of available victim/witness assistance programs. The purpose of such training shall be to enable personnel to provide knowledgeable answers when asked questions by the public about victim/witness assistance programs that are available. Such training will consist of:
 - a. Non-Sworn Personnel - Information regarding the activities of the Office of Victim Services and related services will be made available to all non-sworn personnel. This information shall be provided as part of their initial training when hired. In addition, the department's policies and procedures regarding victim/witness assistance shall be available as a resource to them. Any subsequent orientations shall be conducted on an as needed basis.
 - b. Sworn Personnel - Sworn personnel shall receive training on victim/witness assistance programs as part of their basic training conducted by the Police Officers Standards Training Council (POSTC). Additionally, all officers shall receive training as part of their field-training program, conducted by the police department. Review and In-Service Training, as mandated by C.G.S. 7-294 and 46b-38b, shall also be provided in accordance with POSTC requirements.

IV PROCEDURES (OPERATIONS)

- A A desk officer/dispatcher shall be assigned to the Communications Center 24-hrs. a day, providing uninterrupted telephone service to the public and as such, will serve as the police department's single point of contact regarding victim/witness assistance. Desk officers/dispatchers are likely to receive calls from victims and witnesses who request information or services. The role of the desk officer/dispatcher is critical in that he/she must perform the following functions:
 1. Evaluate and judge the characteristics of a call in order to determine whether an emergency or non-emergency response is required and the appropriate proper response code. (Refer to General Order 89-1-54, Patrol).
 2. Notify the victim/witness of the police department's response. Generally, if a complaint were received, this would involve informing the victim/witness that a police officer will be dispatched in order to conduct a thorough investigation of the complaint. However, in certain instances, it would be appropriate to inform the victim/witness that the assistance requested could best be provided by contacting another law enforcement agency or one of the many social/human service organizations that are available.
 - a. Information available to the desk officer/dispatcher will assist him/her in providing the victim/witness with:
 - 1) Information concerning assistance and services available through the police department.
 - 2) Referral information, regarding external resources available for victim/witnesses in need of medical attention, counseling, emergency shelter and emergency financial assistance etc.

- B** In cases where the victim/witness has been threatened, or experienced specific, credible reasons for fearing intimidation or further victimization, the police department will offer appropriate assistance. Generally, each case will be evaluated on an individual basis. However, the following criteria will be taken into consideration when determining what is deemed appropriate assistance:
1. The nature and seriousness of the incident.
 2. The resources immediately available.
 3. The level of assistance proportionate to the danger faced by the victim/witness.
 4. The availability of the victim/witness
 - a. If the police department becomes aware of danger to a victim/witness, it should, whenever possible, promptly attempt to contact and alert the victim/witness.
 - b. When a victim/witness is located in another jurisdiction, the appropriate agency in that jurisdiction will also be notified.
- C** In addition to the investigative procedures outlined in General Order 89-1-54, Patrol regarding a preliminary investigation, officers shall also assist a victim/witness by:
1. Providing information to the victim/witness about applicable services and rights (e.g. counseling, medical attention, compensation programs or emergency financial assistance and victim advocacy). Generally, this information is easily accessed using information found on the Victim of Crimes/Rights Card. However, other resources may be utilized when available (i.e. service/agency directories etc.).
 2. Advising the victim/witness about what to do if the suspect or the suspect's companions of family threatens or otherwise intimidates him/her.
 3. Informing the victim/witness of the case number and subsequent steps in the investigation/processing of the case.
 4. Providing a non-emergency telephone number to the victim/witness so that he/she may call to report additional information about the case or to receive information about the status of the case. Typically, this information will be given to a victim/witness via the officer's business card.
- D** There are instances, during a follow-up investigation, when victim/witness assistance services should be provided by the officer assigned to continue the investigation. In such cases, the investigating officer should, in addition to the procedures outlined in General Order 89-1-54, Patrol, provide the following assistance:
1. If, in the opinion of the shift supervisor and/or investigating officer, the impact of a crime on a victim/witness has been unusually severe and has triggered an above-average need for victim/witness assistance, recontact the victim/witness periodically to determine if his/her needs are being met.
 2. Explaining to the victim/witness the procedures involved in the prosecution of their case and their role in those procedures. (If not an endangerment to the successful prosecution of the case.)

3. If feasible, scheduling line-ups, interviews and other required appearances at the convenience of the victim/witness and, when warranted, provide transportation.
4. If feasible, expediting the return, of victim/witness property taken as evidence (except for contraband, disputed property and weapons used in the course of the crime) where permitted by statute or rules of evidence.
5. If feasible, assigning a victim advocate to the victim/ witness during the follow-up investigation.

F As part of their report review responsibilities, shift supervisors will ensure that appropriate and statutory mandated victim/witness assistance was provided by the investigating officer.

G Whenever conditions permit, the investigating officer should make a reasonable effort to notify the victim/witness of the arrest of a suspect and provide the following additional information, if available:

1. Specific charges,
2. Custody status and subsequent changes in the status, if any,
3. Initial court appearance date.

H The police department shall provide victim/witness assistance services to the next of kin of deceased, seriously injured or seriously ill persons. Such assistance will be in accordance with General Order 89-1-54, Patrol.

V **DISTRIBUTION**

This general order will be reproduced in electronic and traditional media. All sworn personnel shall have access to Department general orders through a read-only file on their individual domain of the Department's computer network. Printed copies and/or CD's will also be placed in locations throughout headquarters so that they are easily accessible to all personnel.

VI **EFFECTIVE DATE:**

This general order approved by the Police Commission on September 15, 1993 and is effective October 11, 1993.

Revised May 2000

Per Order

Edard J. Nadriczny
Chief of Police