

**Stevensville Police Department
General Orders**

Chapter 28

Victim/Witness Assistance

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By The Order of: M. Sosa, Jr., Chief of Police

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28.1.1 SUMMARY OF VICTIMS' RIGHTS

CALEA Standard: 55.1.1

The Stevensville Police Department shall aid those persons victimized by crime and violence by working to ease their participation in the criminal justice system and by providing compassion, support, and fair treatment to them in their time of crisis. The Stevensville Police Department is committed to making every reasonable effort possible to ensure that victims and other witnesses receive professional service consistent with their important investigative and prosecutorial role.

Stevensville Police Department personnel shall make a thorough effort to ensure that the rights of people victimized by crime and violence are upheld as provided by law. The Stevensville Police Department supports, advocates, and advises victims of the following rights through the distribution of VICTIM/WITNESS ASSISTANCE INFORMATION:

- ☐ The right to immediate medical assistance and to protection from intimidation and harm
- ☐ The right to receive information about pending cases and about the criminal justice process, and to be provided due process in court proceedings
- ☐ The right to counsel
- ☐ The right to preservation of property and employment
- ☐ The right to restitution and indemnity
- ☐ The right to fair, compassionate, and dignified treatment
- ☐ The right to have a Victim Impact Statement prepared for consideration by the court

Treatment Due Victims/Witnesses and Responsibilities of Law Enforcement

Stevensville Police Department personnel shall work to protect and defend the rights of victims whenever possible.

In accordance with Montana Statute, the Stevensville Police Department shall fulfill statutory agency responsibilities relative to a victim to the extent reasonably possible and subject to

available resources. This may include direct action by the Agency or referral to the appropriate statutory authority. As soon as practicable, but within 72 hours after identifying a victim covered by this statute, appropriate Agency personnel shall make a reasonable effort to ensure each victim and witness within their jurisdiction is provided with the following:

- ☐ Information regarding immediate medical assistance when needed and is not delayed for an unreasonable length of time before having such assistance administered.
- ☐ Information about available protection from harm and threats of harm arising out of cooperation with law enforcement prosecution efforts and receive such protection.
- ☐ The expeditious return of recovered stolen or other personal property when it is no longer needed as evidence, and its 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 after being recovered by law enforcement officials.
- ☐ 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.
- ☐ The address and telephone number of the County Attorney's office that will be responsible for prosecuting the victim's case.
- ☐ Information concerning the procedures to be followed to apply for and receive any appropriate or victim compensation and the address and telephone number of the agency responsible for dispensing the funds.
- ☐ 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 has requested to be present or informed.
- ☐ Notification, whenever possible, that a court proceeding to which he/she has been subpoenaed will not occur as scheduled.
- ☐ Where applicable, a Victim Impact Statement prepared for consideration by the court.
- ☐ Information concerning any civil remedies that may be available and any statutes of limitation that may apply in civil cases.
- ☐ Information relative to an opportunity of an accused for pretrial release.
- ☐ Notification, before a proceeding is held at which the release of the offender from custody is considered, if the crime is a serious felony.
- ☐ Notification, if the offender escapes from custody or is released from custody, if the crime for which the offender was placed in custody is a serious felony.
- ☐ 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 or, when an arrest has been made, if the victim wants to determine whether the accused has been released from custody.
- ☐ Any forms on which the victim can indicate whether he/she wishes to receive any further notices. It shall be the victim's responsibility to maintain a current name, address, and telephone number with the agency if the victim wishes to continue receiving notices.

- ☐ All guarantees in this section extended to his/her family members in the case of homicide victims

As soon as practical, but within 72 hours after the arrest of a person believed to have committed a crime covered by this order, the arresting officer shall:

- ☐ Notify the victim of the arrest
- ☐ Forward to the County attorney's office that will be responsible for prosecuting the case, the victim's name, address, date of birth, social security number, race, sex and telephone number, unless the victim refuses to disclose any or all of the information, in which case, the Officer shall so inform the County attorney's office.

Victim/Witness Assistance Activities

The Stevensville Police Department is committed to the development, implementation, and continuation of victim/witness assistance programs and activities. Agency personnel will support those endeavors and provide assistance and referrals when appropriate.

The Agency's commitment and role in victim/witness activities is defined as follows:

- ☐ To facilitate victim/witness access to available advocate and community resources
- ☐ To provide current case information, make referrals, and provide other support to victims and witnesses

Authority and Responsibility for Administering Victim/Witness Assistance

All Agency personnel are charged with the responsibility of providing victim/witness assistance and notifications whenever appropriate. In order to fulfill the Agency's role in victim/witness assistance, all personnel should be aware of those services currently available from other community resources and of those services that the Agency can provide, as well as the notifications required under Montana law.

All Agency personnel have the authority and responsibility to refer victims and witnesses to available community resources. Employees will be accountable for their assistance to victims and witnesses of crime.

28.1.2 ANALYSIS OF NEEDS

CALEA Standards: 55.1.2

The Chief of Police or their designee will complete an analysis of victim/witness needs and available services at least every three years. The results of the analysis will be maintained and will be available to all Agency personnel. The analysis shall include at a minimum:

- ☐ The extent and major types of victimization

- ☐ An inventory of information and service needs of victims/witnesses in general (including homicide or suicide survivors) and special victims, such as those victimized by domestic violence, abuse and neglect (especially children and the elderly), sexual crimes, and drunk drivers
- ☐ Victim assistance and related community services available within the service area
- ☐ Identification of all unfulfilled needs and the selection of those that are appropriate for the Agency to meet

28.1.3 AGENCY RESPONSE TO VICTIM/WITNESS NEEDS

CALEA Standard: 55.1.3

To provide for and govern the implementation and delivery of victim/witness assistance services by Agency personnel:

- ☐ The Chief of Police or their designee shall review daily incident reports and determine which cases are appropriate for victim/witness follow-up and shall refer cases to Victim Advocate personnel as needed.
- ☐ The Chief of Police or their designee should be notified of referrals to any other assistance program made by Officers.
- ☐ Referrals to other victim/witness assistance organizations may be made by employees in accordance with all other sections of this directive.

To ensure the confidentiality of records and files of victims/witnesses and their role in case development to the extent consistent with applicable law:

- ☐ No employee of the Stevensville Police Department will release information concerning victims and/or witnesses to any person except as provided for by state law and by Chapter 27 of the Stevensville Police Department Policy and Procedures Manual.
- ☐ Under the direction of the Chief of Police or their designee, personnel in the Records Section may provide a copy of the front page of the incident report containing non-confidential information about an incident or victim to the public as requested. The release of the information shall be pursuant to Montana Statute. However, if in the opinion of the Chief of Police, Supervisor, or Officer, the release of any information relative to a particular investigation jeopardizes the ongoing investigation or the emotional and/or physical well being of a victim or witness, such information may be withheld.

To govern efforts to periodically inform the media and the public about the Agency's victim/witness assistance efforts and about other victim/witness services available in the local area, the Chief of Police or their designee is responsible for ensuring the following victim/witness information is available and provided through Agency operations:

- ☐ A summary of victim's rights according to Montana Statute
- ☐ A summary of available victim/witness assistance services

- ☐ To govern the relationship between the Agency and victim/witness efforts of other agencies and organizations:
- ☐ The Chief of Police or their designee will serve as the Agency liaison with local and regional agencies and organizations that provide victim/witness assistance services.
- ☐ The Chief of Police or their designee shall determine the appropriateness of referrals and referral agencies based on accurate and up-to-date information obtained through this relationship.
- ☐ The Chief of Police or their designee shall provide an open channel of communications with other agencies and organizations to best benefit the victim/witness assistance efforts.

28.1.4 TRAINING

CALEA Standard

It shall be the responsibility of the Field Training Officers to ensure newly sworn Officers, under their supervision, receive training on victim/witness rights and needs, and on the levels of service available from the Stevensville Police Department and from other organizations. Additionally, periodic training shall be provided to all sworn employees regarding victim/witness rights and needs.

28.2.1 LEVELS OF SERVICE AVAILABLE FROM THE AGENCY

CALEA Standard: 55.2.1

The Stevensville Police Department recognizes the periodic need for victim/witness assistance information between the victimization and the preliminary investigation. The Records Clerk shall be responsible for providing a single point of contact to persons requesting victim/witness assistance when an Officer has not yet arrived or when an Officer cannot immediately contact the caller or otherwise provide assistance. Such situations may occur when an Officer cannot be immediately assigned to a case, thereby creating a delay between victimization and initial contact with the victim/witness. All Agency personnel shall be familiar with, and able to provide, at least the following levels of assistance 24-hours daily to persons requesting assistance:

- ☐ Information regarding victim/witness assistance supplied directly by the Stevensville Police Department
- ☐ Referral information regarding services offered in the Stevensville Police Department's jurisdiction by other organizations for victims in need of medical attention, counseling, and emergency financial assistance

28.2.2 PROVIDING ASSISTANCE TO VICTIMS

CALEA Standard: 55.2.2, 55.2.3, 55.2.4, 55.2.5

The Stevensville Police Department will provide appropriate assistance to persons who have been threatened or who express specific, credible reasons for fearing intimidation or further victimization.

Assistance during the Preliminary Investigation

When appropriate, Officers conducting preliminary investigations shall provide, at a minimum, information to victims and/or witnesses concerning the availability of assistance through the Stevensville Police Department, as well as through other local agencies. The information may be provided by way of a VICTIM/WITNESS ASSISTANCE CARD that can be retained by the victim or witness. The information provided shall include:

- ☐ Information about services applicable to the situation such as counseling, medical attention, victim compensation programs, emergency financial assistance, victim advocacy
- ☐ Information about appropriate action to take if a suspect or suspects' companions or family threatens or otherwise intimidates the victim or witness
- ☐ Information concerning the case number (when available) and subsequent steps in the investigative process
- ☐ Telephone number(s) that the victim or witness may call to report additional information about the case or to receive additional information about the status of the case

Assistance during the Follow-up Investigation

The Chief of Police or their designee shall review daily incident reports and shall provide the following levels of victim/witness assistance as appropriate to the incident:

- ☐ Determine which cases are appropriate for victim/witness follow-up and assign cases to personnel as needed
- ☐ If the impact of the crime is unusually severe, the Officer shall re-contact the victim periodically to determine if the victim's needs are being met.
- ☐ Without endangering the successful prosecution of the case, explain the court procedures and the role of the victim in its prosecution.
- ☐ If feasible, schedule lineups, interviews, and other required appearances at the convenience of the victim/witness. In special, unusually severe cases, provide transportation if available.
- ☐ If feasible, facilitate the prompt return of property belonging to the victim/witness taken as evidence (except contraband, disputed property and weapons used in the course of a crime) where such return is permitted by law and the rules of evidence.
- ☐ When feasible, provide other appropriate assistance and/or refer the case to other organizations providing that victim/witness service is not available in the Stevensville Police Department.

Assistance during Arrest and Processing of Suspect

When an arrest is made in any case considered to be a major crime, the investigating Officer shall contact the victim/witness whenever possible and inform them that an arrest has been made in the case and should advise the victim/witness as to the custody status of the suspect and the prospects for pre-trial release.

When feasible, Officers making arrests in other kinds of cases should make a reasonable effort to contact the victim/witness and inform them that an arrest has been made in the case and should advise the victim/witness as to the custody status of the suspect and the prospects for pre-trial release.

28.2.3 NOTIFICATIONS TO NEXT OF KIN

CALEA Standard: 55.2.6

The Stevensville Police Department shall undertake the responsibility of notification of next-of-kin when such a need exists. When requested by other law enforcement agencies, the Stevensville Police Department shall provide assistance to that agency and shall provide notification to the next-of-kin residing in this jurisdiction.

When notifications must be made to the immediate family of deceased, seriously injured, or seriously ill persons, the Officer responsible for the notification should be mindful of the impact of such notification and make every effort to see that the person to be notified has the company of a relative, clergy or close friend.

Within the jurisdictional boundaries of the Stevensville Police Department:

- ☐ Notification will be made in person by a Supervisor of the Stevensville Police Department whenever possible or designee; otherwise, the investigating Officer shall notify the next-of-kin.
- ☐ Notification will be made to either an adult family member or a close adult friend of the family.
- ☐ Supervisory personnel are available to assist with notifications of next of kin if such assistance is deemed necessary by the investigating Officer.

When notifications of next-of-kin must be made outside the jurisdictional boundaries of the Stevensville Police Department:

- ☐ The agency having jurisdiction shall be requested to make the notification. If that agency cannot or is reluctant to make the notification, the Chief of Police shall be advised. The Chief of Police shall make a decision on how the notification will be made.
- ☐ Documentation shall be included with any report to indicate the agency notified, the date and time of the request, and the party contacted to make the notification.