

Heinz von Eckartsberg, Chief of Police

Date: _____

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| GENERAL ORDER 55 |
| VICTIM/WITNESS ASSISTANCE |
| EFFECTIVE DATE: AUGUST 22, 2011 |
| SUMMARY OF REVISIONS: 55.9.1 |

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PURPOSE: The purpose of this chapter is to ensure that victims and witnesses receive professional handling consistent with their important investigative and prosecutory role. Additionally, this chapter gives direction to help agency personnel make reasonable efforts to assure that the personal rights and safety of the victim or witness are protected by its actions.

55.1 ADMINISTRATION

55.1.1 VICTIM AND WITNESS RIGHTS

Victims and witnesses will be treated by Division personnel with fairness, compassion, and dignity, in keeping with our core values and bearing in mind that successful prosecution and/or completion of an investigation may depend on their cooperation and the degree of assistance provided to this agency.

The rights of victims are outlined in Ohio Revised Code sections: 2743.51, 2743.71, 2921.04, 2937.081, 2943.041, and 2945.07 and the rights of witnesses are outlined in Ohio Revised Code sections: 2317.29, 2921.02, 2921.03, 2921.04, 2931.30, 2935.23, 2937.16, 2937.18, 2937.19, 2939.25, 2939.26, 2939.27, 2945.04, 2945.46, 2945.49, Criminal Rules 16, 17, and Evidentiary Rules 601 through 616.

– These rules offer protection for witnesses and victims and include prohibitions against intimidation and bribery.

Victims and witnesses are entitled to certain compensations by Ohio Revised Code and, upon application to the Court of Claims, certain victims may be entitled to compensation and relief for medical benefits, lost wages, replacement service costs, and certain other losses, not to include payments for property loss or damage.

Chapter 2930 of the Ohio Revised Code specifies policies and procedures for rights of victims of crimes.

– Crimes for which victim/witness services are available are defined in section 2930.01 of the Ohio Revised Code and include all felonies or misdemeanor involving violence to include; section 2903.05 (negligent homicide), section 2903.07 (vehicular homicide), section 2903.13 (assault), section 2903.21 (aggravated menacing), section 2903.211 (stalking), section 2903.22 (menacing), section 2907.06 (sexual imposition), section 2919.25 (domestic violence), and section 2921.04 (intimidation of attorney, crime victim, or witness).

– All victims of any felony or misdemeanor involving violence will be provided with the following information; Dublin Division of Police Crime Victim Services brochure; and Picking up the Pieces: Your Rights and Responsibilities as a Crime Victim, published by the Attorney Generals Office. In addition to referral resources, all victims of any felony or any misdemeanor involving violence will be provided with the officer's name, incident number, and a contact phone number for the Division of Police.

55.1.2 REVIEW OF VICTIM/WITNESS NEEDS

The Court Liaison officer will complete a review of victim/witness needs at least once every three years.

The Court Liaison officer may use each county's annual victim/witness advocacy report as well as the City's contracted victim/witness advocate program to determine what if any additional services the agency needs to provide.

The agency shall maintain information concerning available services within or nearby the agency's service area. (See also General Order 81.2.7)

SAMPLE POLICY
This may not represent this agency's current procedure.

55.1.3 AGENCY'S ROLE IN VICTIM/WITNESS ASSISTANCE

A. Patrol officers, supervisors, detectives, community education unit officers, communications personnel, and clerical personnel will be responsible for the delivery of services as directed by the victim/witness assistance coordinator and the agency.

B. To the extent possible within the Ohio Revised Code and other applicable law, records and files of victims and witnesses and their role in case development will be kept confidential while a case is under active investigation. Once an investigation is complete, however, there are limited provisions under Ohio's Sunshine Law to provide confidentiality for victims/witnesses of crimes.

C. **The agency will periodically inform the public and media** about the agency's victim/witness assistance services.

– Articles in local newspapers, information on the Division's website, information on the city's radio notification station (1610 am), and information distributed or relayed during neighborhood and/or community meetings will be the primary mechanisms for the distribution of information.

– Additional information may be provided as special circumstances and/or problems arise within the community and/or to specific target groups within the community.

D. **The detective sergeant or his/her designee will maintain contact with other criminal justice agencies** and the **victim/witness advocates** of Franklin, Delaware, and Union Counties. At least triennially, the Detective Sergeant shall contact the victim/witness advocates of Franklin, Delaware and Union Counties concerning victim/witness assistance needs.

– There are numerous public and private agencies that may provide assistance for various needs and problems encountered by the public, such as; health and social services agencies which may be called upon to provide assistance; housing, food, and clothing offered through various agencies; and transportation that is made available in some instances by private agencies. A record of these resources shall be made available via the division's intranet and accessible from all agency computers.

55.2 OPERATIONS

55.2.1 24HR ACCESS TO VICTIM/WITNESS INFORMATION

A. **First responding officers shall provide all victims/witnesses of felonies and/or violent misdemeanors** with a copy of the Division's Victim/Witness Rights Information brochure with the officer's name(s), badge numbers, the number to the communications/emergency response center, and a case number or CFS number indicated on the brochure. This brochure contains referral information for victim/witness services and assistance. Victims/witnesses may access the communications center 24 hours a day for emergency assistance.

B. **Referral information for all victim/witness assistance is available 24 hours daily from communications personnel** by calling the communications center number indicated on the Division's Victim/Witness Rights Information Brochure. The services available, in addition to 24 hour emergency police response include those offered in this agency's jurisdiction by other organizations, which include references in the FIRST LINK guide to include the following; those in need of medical attention to include an immediate response from the appropriate EMS service and/or phone numbers for local medical facilities; counseling to include Dublin Counseling Center, NetCare, and OSU Medical Center Mental Health Services; and emergency financial assistance, to include an emergency relief fund and referral to county, state, and federal assistance.

55.2.2 ASSISTANCE TO VICTIMS AND WITNESSES

This agency will provide assistance to victims/witnesses who have been threatened or who, in the judgment of this agency, express specific, credible reasons for fearing intimidation or further victimization.

– If an agency member becomes aware of a credible threat to a victim/witness, the agency member will notify a sworn supervisor who shall ensure the victim/witness is made aware of the threat.

– This assistance may vary depending on the urgency, credibility, and/or seriousness of the threat as determined by members of this agency. The assistance may include extra patrol or checks on a residence or business, or may include, in extreme cases, physical surveillance and/or protection by specially assigned officers.

– If a member of this agency becomes aware of a credible threat to a victim/witness who is not physically present within this jurisdiction the member should, as soon as possible, contact the appropriate jurisdiction with this information, requesting that they provide any necessary assistance.

55.2.3 SERVICES DURING PRELIMINARY INVESTIGATIONS

A. During the preliminary investigation and in addition to immediate medical aid, the reporting officer or the assigned investigator will provide information to the victim/witness of any felony or violent misdemeanor about applicable services to include medical attention, compensation programs, emergency financial assistance, and victim advocacy.

– All victims of any felony or misdemeanor involving violence will be provided with the following information; Dublin Division of Police Crime Victim Services brochure; and Picking up the Pieces: Your Rights and Responsibilities as a Crime Victim, published by the Attorney Generals Office. In addition to referral resources, all victims of any felony or any misdemeanor involving violence will be provided with the officer's name, incident number, and a contact phone number for the Division of Police.

B. During preliminary investigations the reporting officer will inform the victim/witness to contact their local police agency immediately if they are subsequently threatened or intimidated by the suspect(s), the suspect(s) companions or associates. In addition, the officer will make available printed information on how to obtain a protection order. This information will be made available in printed form: Misdemeanor Crime Victim Services; Dublin Division of Police and Picking Up the Pieces: Your Rights & Responsibilities as a Crime Victim; Ohio Attorney General.

C. Victims/witnesses will be advised of the case number to reference the case, the name of the officer responsible for the report, and the subsequent steps in the processing of the case.

– The case number and name of the officer will normally be written on the printed information distributed to the victim/witness (Misdemeanor Crime Victim Services; Dublin Division of Police) by the original reporting officer. Information on the subsequent steps in the processing of the case will be provided by the officer assigned to the investigation, or in writing by the Detective Sergeant when a case is initially classified as inactive.

D. Victims/witnesses will be provided with the agency phone number(s) and a contact name to call to report additional information about the case or to receive information about the status of the case.

– Normally, the original reporting officer will be designated as the contact for additional information unless the case is assigned for follow up investigation to another officer or detective.

– If a case is initially classified as inactive, the Detective Sergeant will be the designated contact for additional information.

55.2.4 SERVICES DURING FOLLOW UP INVESTIGATIONS

The victim of any case assigned for follow up investigation will be contacted by the assigned investigator within three working days of the case assignment.

A. If in the opinion of the investigating officer or a supervisor the impact of a crime on a victim/witness has been unusually severe and has triggered above average victim/witness assistance, **the assigned investigator will be responsible for contacting the victim/witness periodically** to determine whether their needs are being met and to inform them on the progress of the case.

B. As long as it would not hinder the successful prosecution of the case, the assigned investigator **will explain to victims/witnesses the procedures involved in the prosecution of their case(s)** and their role in those procedures.

C. **If feasible, line-ups, interviews, and other required appearances** by any victims/witnesses should be scheduled at their convenience.

– If necessary, and if feasible, transportation may be made available to the victim/witness for any appearances related to their case.

D. **Victim/witness property taken as evidence** will be returned as soon as feasible, based on applicable evidentiary rules, law, and agency property procedures.

– The assigned investigator will be responsible for seeing that victim/witness evidence is returned in a timely manner, wherever feasible.

– This does not include evidence that is contraband, firearms used in a crime, or property whose ownership is disputed and/or undetermined.

E. When available and if feasible, the **victim/witness should be advised of victim advocate(s)** who may assist them during the follow-up investigation.

– Referrals can be made to various agencies such as; Franklin, Union, or Delaware County witness assistance.

– The FIRSTLINK directory may be used as a referral that lists a number of victim advocate resources and counseling services.

55.2.5 NOTIFYING VICTIM WHEN ARREST IS MADE

When practical, whenever an arrest is made for a crime occurring within the City of Dublin, and there is a crime victim involved, the arresting officer, case investigator or records personnel will notify the victim (or reporting party in cases where the victim is a juvenile) within a reasonable time, of the following information:

- That an arrest has been made and what charges have been filed.
- The name of the defendant.
- The telephone number of the law enforcement agency.

The agency will provide information to access the Victim Information & Notification Everyday (VINE) system which allows the victim/witness to receive notification of the following:

- When an offender is released from the custody of a county jail or state correctional facility.
- When an offender is transferred from one jail to another.
- When an offender dies or escapes while in custody of a county jail or a state correctional facility.
- When the offender is scheduled for a court hearing.

55.2.6 NOTIFYING NEXT OF KIN OF DECEASED, SERIOUSLY INJURED OR SERIOUSLY ILL PERSONS

Members of this agency will ensure that **notifications of next of kin** of deceased, seriously injured, or seriously ill persons shall be carried out promptly and in a considerate manner.

- Whenever possible, **assistance should be obtained from a division chaplain** or other clergy member.
- **Requests for notification** made by other agencies shall be confirmed, preferably by teletype, and authorized by a supervisor. If possible, a **representative from the requesting agency** should accompany the officer from this agency that is making notification.
- **Requests for notification** to be made by a foreign agency on behalf of this agency shall be approved by a supervisor and requested by teletype. If possible, a **representative from this agency** should accompany the officer from the foreign agency that is making notification.
- Circumstances may arise where a foreign jurisdiction cannot or will not honor the request for notification. In those instances, absent reasonable alternatives, the notification may be made via telephone.

Requests for notification of next of kin where the victim is an agency member shall be conducted in accordance with General Order 22.2.6.

55.9 SUPPORT SERVICES

55.9.1 CHAPLAINCY PROGRAM

The primary purpose of the Dublin Division of Police chaplaincy program is to provide guidance and counsel to members of the Dublin Division of Police and to the public. All Division chaplains will maintain a close working relationship with the agency chaplain liaison officer (Operations Bureau Commander or his/her designee) and will be available to assist officers in emergencies where their services would be of benefit to department personnel or the public. Chaplains may also act as a resource for agency personnel or the public in spiritual or other specialized matters, when requested.

Other special functions or duties Division chaplains may perform at the request of the Chief of Police or the agency's chaplain liaison officer include:

- Representing the agency at public functions.

– Four hours per month of agency involvement, which can be in the form of a ride along, attending roll call sessions and meetings.

Chaplains must maintain membership in The International Conference of Police Chaplains (ICPC). Chaplains shall be issued an official identification card, jacket, hat, shirt and badge. When called to a scene the senior chaplain shall wear an identifiable garment or identifying badge on their outer clothing. Transportation to training and calls for service shall be the responsibility of the individual chaplain. The chaplain liaison officer is appointed at the discretion of the Chief of Police.

CROSS REFERENCE TO STANDARDS AND POLICIES: General Order 81.2.7, 42.2.3, 42.1.2, 42.2.2, 42.1.3, 84.1.7

CROSS REFERENCE TO FORMS: Dublin Division of Police Victim/Witness Rights Information; Your Rights and Responsibilities as a Crime Victim; Ohio Victims of Crime Program Handbook; Ohio Victims of Crime Compensation Handbook; “Inactive” Letter; Community Survey; FIRSTLINK; Computer Aided Dispatch – extra patrols, surveillance, etc.

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