

SPRINGFIELD POLICE DEPARTMENT

Standard Operating Guideline

Effective Date: 04/04/2017	Supersedes Policy Dated: 03/29/2016	Rescinds:	SOG Number: 401.7
Accreditation Index: 55.2.6			
Part Title: Operations		Chapter Title: Patrol Operations	
Chief of Police:			

Victim/Witness Assistance

I Policy

Employees of this department shall exhibit sensitivity, compassion, and professional concern for the needs and welfare of all crime victims and witnesses. Missouri law dictates additional action from the Police Department when dangerous felonies occur. Employees shall comply with the additional State provisions affecting victim and witness rights and shall be aggressive in providing those services. For services not offered directly by the Police Department, employees shall refer and assist victims in securing assistance from other public and private agencies. Victims are our "first customers".

II Definitions

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.

Witness - A person, other than a perpetrator, accomplice, or individual employed in the administration of criminal justice, who has information or evidence relevant to the investigation of a crime.

III Procedure

1 RIGHTS OF VICTIMS AND WITNESSES

SOG 401.7

Victim/Witness Assistance

Effective Date: 04/04/2017

- 1.1 It is in the best interest of law enforcement to positively interact with the victim/witness since no other component of the criminal justice system can effectively duplicate this opportunity. We are absolutely dependent upon the aid of the victim/witness to help hold the criminal accountable. A cooperative victim/witness will raise the probability of conviction. In return, the victim/witness, regardless of the seriousness or violation, deserves service, support, and fair treatment.
- 1.2 Police department employees in Missouri have an affirmative duty by law to inform victims of “dangerous felonies” of their lawful rights when victimization is the result of:
 - 1.2.1 First degree arson;
 - 1.2.2 First degree assault;
 - 1.2.3 First degree murder;
 - 1.2.4 Second degree murder;
 - 1.2.5 Voluntary manslaughter;
 - 1.2.6 Forcible rape;
 - 1.2.7 Forcible sodomy;
 - 1.2.8 Kidnapping;
 - 1.2.9 First degree robbery;
 - 1.2.10 Elder abuse in the first degree;
 - 1.2.11 Statutory rape and statutory sodomy in the first degree when the victim is less than twelve years of age;
 - 1.2.12 Abuse of a child resulting in death;
 - 1.2.13 Child kidnapping and parental kidnapping by detaining or concealing the whereabouts of the child for not less than one hundred twenty days.
- 1.3 Police employees shall cooperate with prosecuting attorneys, other law enforcement agencies, local social service agencies, and the courts to afford victims the rights and services provided by law. Direct assistance to victims and witnesses shall include:
 - 1.3.1 Providing them with information about the status of any case concerning a crime against the victim, including those committed by juvenile suspects;
 - 1.3.2 Providing them with information concerning victim compensation assistance;
 - 1.3.3 Assisting the victim in documenting losses;
 - 1.3.4 Providing the victim (or their representative) with a complete, unaltered, unedited investigation report concerning traffic crashes, as permitted by law;

SOG 401.7

Victim/Witness Assistance

Effective Date: 04/04/2017

- 1.3.5 Providing information on how to secure emergency crisis intervention services;
- 1.3.6 Notification of release on bond of the criminal suspect(s);
- 1.3.7 Notification within 24 hours of the escape of such criminal suspect from the Detention Unit and subsequent recapture;
- 1.3.8 In cases where charges have been filed or the case is pending review in the Prosecutor's Office, providing reasonable protection from harm or threat of harm from the criminal suspect (or others assisting him/her) arising from the victim/witness's cooperation with law enforcement;
- 1.3.9 The return of property no longer needed as evidence within five working days of the victim's request, unless the property is contraband or subject to forfeiture, or provide a written explanation if it is not returned;
- 1.3.10 Providing a complete, unaltered, and unedited incident report for the purpose of investigation of any civil claim for defense.

2 GENERAL RESPONSIBILITIES

- 2.1 The Chief of Police or designee will maintain membership in the Missouri Victim's Assistance Network to establish a liaison with victim/witness service agencies.
- 2.2 The Commander assigned to the Uniform Operations Bureau will be responsible for development of appropriate public service announcements regarding victim/witness services.
- 2.3 The Uniform Operations Bureau Commander shall be responsible for the publication of the Victim/Witness Information brochure (SPD Form # 97-IN-0260).¹

3 EMPLOYEE RESPONSIBILITIES

- 3.1 Provide reasonable assistance to victims/witnesses, refer victims/witnesses, or answer questions as may be reasonable.
- 3.2 If the victim does not speak English or is hearing impaired, officers may seek the use of an interpreter utilizing either an officer or other department employee or an interpreter contacted via Communications.
 - 3.2.1 Officers shall refrain from using friends, family members or neighbors because of the potential for personal feelings to interfere with the translation.
- 3.3 Major case crime victims shall be provided referral information to the Victim

¹ Section 2.3 revised, capitalization and punctuation, per Policy Change Order 17-017.

SOG 401.7

Victim/Witness Assistance

Effective Date: 04/04/2017

Center.²

- 3.4 Employees will provide victims/witnesses a copy of Victim/Witness Information brochure.³
- 3.5 It will be the responsibility of victims/witnesses to request or seek assistance, if desired, after the available services are made known to them.
- 3.6 Police officers shall assist victims of domestic assault with safe transportation to appropriate shelter.

4 CONFIDENTIALITY OF VICTIM/WITNESS IDENTITIES

- 4.1 Records and files of victims/witnesses are open records under the Missouri Sunshine Law, EXCEPT cases involving sexual assault or when a crime victim has specifically requested confidentiality.
 - 4.1.1 In sexual assault cases, the identities of the victims and witnesses and their role in the case shall remain protected information.
 - 4.1.2 In cases where the victim has requested confidentiality, the name shall not be released until formal filing of charges against the suspect has occurred.

5 INTERACTION WITH OTHER VICTIM/WITNESS SERVICE AGENCIES

- 5.1 Victim/Witness Rights and Services. Refer the victim/witness to the Prosecuting Attorney Victim/Witness Assistance Service office for assistance regarding:
 - 5.1.1 Court appearance/cancellation notification services.
 - 5.1.2 Collection of witness fees.
 - 5.1.3 Escort and other transportation services, if available.
 - 5.1.4 Case process notification.
 - 5.1.5 Employer intercession.
 - 5.1.6 Expedited return of property.
 - 5.1.7 Personal protection requiring Missouri Witness Protection Program.
 - 5.1.8 Family support services including child and dependent case.
 - 5.1.9 Waiting facilities during trial and other court proceedings.
 - 5.1.10 Notification when a defendant is released or escapes from custody.
- 5.2 Crime Victim Compensation (RSMo Chapter 595)⁴
 - 5.2.1 The Greene County Prosecutor's Victim/Witness Service Office will assist in filing a claim with the Division of Workers Compensation

2 Section 3.3 revised, terminology update, per Policy Change Order 17-017.

3 Section 3.4 revised, form number removed, per Policy Change Order 17-017.

4 Section 5.2 reorganized, per Policy Change Order 17-017.

SOG 401.7

Victim/Witness Assistance

Effective Date: 04/04/2017

(Crime Victim's Compensation).

- 5.2.2 The Prosecutor's Victim/Witness Assistance/Service Office has the Crime Victim's Compensation Form and will provide crime victims assistance in completing the form.
- 5.2.3 Those eligible for compensation include:
 - 5.2.3(a) A victim of a crime;
 - 5.2.3(b) A dependent of the victim in cases involving the death of the victim as a direct result of a crime;
 - 5.2.3(c) Any member of the family who legally assumes the obligation or who pays the medical or burial expenses incurred in cases where the death of the victim was a direct result of a crime.

6 VICTIM ASSISTANCE DURING PRELIMINARY INVESTIGATIONS

- 6.1 The first officer to arrive on the scene of a dangerous felony or domestic assault is the initial source of protection for the victim. The manner in which the officer treats the victim can affect the victim's immediate and long-term ability to cope with the crime and be a good cooperative witness.
 - 6.1.1 Preliminary investigating officers will:
 - 6.1.1(a) Provide case number and case status information (Open or Suspended) at the scene.
 - 6.1.1(b) When appropriate, provide victim(s) with a Victim/Witness Information brochure which includes information about financial assistance available through the Crime Victims Compensation Fund.⁵
 - 6.1.1(c) The arresting officer will provide a copy of the victim/witness information to the Greene County Criminal Justice Center. This will be done before booking and it will include necessary information for victim or witness contact.
 - 6.1.1(d) Clearly document all victim services rendered in the RMS report.
- 6.2 Information about victim/witness resources is also available at the front desks of SPD Headquarters and the South District Station when those desks are open to the public.
 - 6.2.1 Information will be available to inform the victim/witness of services provided by this or other agencies, including:
 - 6.2.1(a) Counseling;

⁵ Section 6.1.1(b) revised, form number removed and syntax change, per Policy Change Order 17-017.

SOG 401.7

Victim/Witness Assistance

Effective Date: 04/04/2017

- 6.2.1(b) Medical attention;
- 6.2.1(c) Victim compensation programs;
- 6.2.1(d) Emergency financial assistance;
- 6.2.1(e) Victim advocacy and support groups.

7 VICTIM ASSISTANCE DURING CRIMINAL INVESTIGATION FOLLOW-UP

7.1 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.

7.2 The employee conducting the follow-up investigation will make an effort to contact the victim/witness within a reasonable period of time upon initiation of the follow-up investigation to advise the status of the case and to provide the prosecuting attorney's telephone number, if requested. If written request for crime victim services is made, it will be sent to the appropriate investigator for follow-up, if assigned.

7.2.1 During follow-up investigation and/or after an arrest is made, the investigating officer will cooperate with 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 to include:

- 7.2.1(a) Making a good faith effort to contact the victim/witness within a reasonable period of time of the initiation of a follow-up investigation, if any, when the impact of the crime was of a severe nature, such as a homicide, rape, assault involving serious injury, or robbery to determine if needs are being met.
- 7.2.1(b) Providing information concerning procedures involving prosecution of the case and the victim's role in those procedures.
- 7.2.1(c) The prompt return of seized personal property not needed as evidence, when possible.
- 7.2.1(d) Scheduling lineups, 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.
- 7.2.1(e) If feasible, referring the victim for victim advocacy services to the appropriate support organization.
- 7.2.1(f) Notification of arrests made relating to the case and the arrestee's custody status as required in RSMo 595.209. ⁶

⁶ Section 7.2.1(f) revised, punctuation change, per Policy Change Order 17-017.

SOG 401.7

Victim/Witness Assistance

Effective Date: 04/04/2017

- 7.2.2 Upon arrest for a dangerous felony, except for burglary in the second degree, the Greene County Criminal Justice Center's "Victim/Witness Notification Information for Jail" form (SHF-484) will be completed. This form may also be completed by the officer for a lesser offense if the officer believes the safety of the victim or witness is in danger.
 - 7.2.2(a) The "Victim/Witness Notification Information for Jail" form will be attached to the subject's booking information upon presentation to the GCCJC intake desk for detention.
 - 7.2.2(b) In the event that the suspect is released prior to booking by SPD personnel, the releasing officer shall make and document an attempt to notify the victim.
 - 7.2.2(c) In the event the suspect is transferred to a facility other than the GCCJC, the arresting officer shall contact that agency and provide victim notification information.
 - 7.2.2(d) Victim/witness notification actions shall be documented in the officer's written report.

8 VICTIM/WITNESS PROTECTIVE SERVICES ⁷

- 8.1 When evidence suggests attempts have been or may be made to intimidate or otherwise dissuade witnesses or victims of a crime from testifying (in violation of RSMo 575.270), investigating officers will inform the victims/witnesses of their right to petition the court (under the authority of RSMo 491.600) for a protection order.
 - 8.1.1 This agency shall provide appropriate assistance to victims/witnesses who have been threatened.
 - 8.1.2 Assistance is determined on a case by case basis, and can range from placing a victim in protective custody to offering a frightened witness words of encouragement.
 - 8.1.3 If resources are available, the assistance should be commensurate with the danger faced by the individual.
 - 8.1.4 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.
 - 8.1.5 This department will, when reasonable, cooperate with other police or public service agencies in assisting with victim/witness protection.
- 8.2 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

⁷ Section 8 revised; minor rewording, punctuation changes, and RSMo reference updated; PCO 17-017.

SOG 401.7

Victim/Witness Assistance

Effective Date: 04/04/2017

members through the appropriate prosecuting attorney for necessary financial or other assistance available from the Department of Public Safety to provide protection in accordance with RSMo 491.640.

9 NEXT-OF-KIN EMERGENCY NOTIFICATIONS (CALEA 55.2.6) ⁸

- 9.1 The department, at times, must notify next-of-kin as part of operational procedures, or called upon by citizens and other agencies to inform citizens of the death, serious injury, or serious illness of a family member. Notifications present a difficult situation for both the next-of-kin and the assigned officer. The Department will quickly and compassionately honor these requests and notify relatives of victims who reside within Springfield, Missouri.
- 9.2 Emergency messages will only be accepted for delivery in the following emergency situations:
 - 9.2.1 Death
 - 9.2.2 Serious injury or illness
- 9.3 Request for delivery of an emergency message will be accepted only when the person requesting assistance is clearly unable to deliver the message through other means.
- 9.4 Death notifications will be made in person absent exigent circumstances that shall be documented and approved by a Commander. The officer should request a Police Chaplain to accompany them on the notification. However, in the absence of a chaplain, the assigned officer will make the notification. Officers will determine what, if any, additional assistance is necessary on a case by case basis.
 - 9.4.1 If it is known that the person to be notified lives alone, a neighbor or close friend (if known), should be contacted prior to the notification. The officer making notification should be reassuring, understanding and offer assistance whenever possible.
 - 9.4.2 The notifying police officer may assist, upon request by the notified person, to have a friend, neighbor or family member present or immediately available before leaving the notified party.
 - 9.4.3 Unless specifically stated in a citizen's request, juveniles will not be given a death message when the parents are not immediately available. They will be advised to have a parent contact the department.
 - 9.4.4 In cases where numerous attempts are unsuccessful to locate the requested individual, a note addressed to the person can be secured near an entrance requesting them to contact the Department by phone

⁸ Section 9 heading revised, 5th Edition removed from CALEA reference per Policy Change Order 17-017.

SOG 401.7

Victim/Witness Assistance

Effective Date: 04/04/2017

as soon as possible. The information regarding the notification itself will not be written on the note.

- 9.4.5 The police officer tasked with delivering the notification should never give the surviving family a false sense of hope. Always use words such as “died” or “dead” rather than “gone away” or “passed away”.

IV Attachments