

Bowie Police Department - General Orders



TITLE: VICTIM AND WITNESS ASSISTANCE	NUMBER: 419
EFFECTIVE DATE: 9/30/16	REVIEW DATE:
_ NEW X_ AMENDS _ RESCINDS	DATE: 4/20/12

AUTHORITY Chief John K. Nesky	ACCREDITATIONS STANDARDS CALEA STANDARDS: 55.1.1, 55.1.2, 55.1.3, 55.2.1, 55.2.2, 55.2.3, 55.2.4, 55.2.5	TOTAL PAGES 6
---	---	----------------------

I. POLICY

The City of Bowie Police Department recognizes the need for victim/witness assistance. It shall be the policy of the Department that victims and witnesses will be treated with fairness, compassion and dignity. The Department is committed to the development, implementation and continuation of appropriate victim/witness assistance programs and activities.

II. SUMMARY OF VICTIM/WITNESS RIGHTS

In keeping with this policy, victims/witnesses can expect to: (CALEA 55.1.1)

- A. Receive a prompt response to their calls for service.
- B. Be notified of the status of their case.
- C. Be notified of an arrest concerning their case.
- D. Be notified when their case is cleared.
- E. Be notified when charges are filed.
- F. Be notified when property is recovered.
- G. Be notified of services available to victims of particular crimes.
- H. Receive assistance with liaison between the prosecutor's office and the court system.
- I. Receive a prompt response to their questions and concerns surrounding their case.

III. REVIEW OF VICTIM/WITNESS NEEDS/SERVICES (CALEA 55.1.2)

A. The City of Bowie Police Department and/or the City of Bowie will conduct a documented review of victim/witness assistance needs and available services within the Department's service area at least every three years.

B. The review may include:

1. The extent and major types of victimization within the area.
2. 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, sexual crimes, and drunk drivers.
3. Victim assistance and related community services available within the service area.
4. Identification of unfulfilled needs and the selection of those appropriate for the City of Bowie Police Department to meet.

IV. VICTIM/WITNESS-AGENCY ROLE

The Department role in victim/witness assistance is described as follows:

A. Using information from the review obtained in Section III of this Order, the Department is dedicated to implementing and delivering victim/witness assistance services. Services may be available through the City, Department or other agencies. (CALEA 55.2.1.a)

B. The Department will ensure the confidentiality of records and files of victims/witnesses and their role in case development to the extent consistent with federal, state and local laws. (CALEA 55.2.1.b)

C. The Investigative Services Division Commander or his/her designee will be responsible for periodically informing the public and media about the Department's victim/witness assistance services. (CALEA 55.1.3)

D. The Investigative Services Division Commander or his/her designee will be responsible for maintaining liaison with the local, county, state and non-governmental agencies offering victim/witness assistance. The purpose of the liaison with outside agencies is: twofold (CALEA 55.1.3.d)

1. To ensure that agency referrals of victims/witnesses to outside sources are based on accurate and up-to-date knowledge of the services offered by those organizations.
2. To maintain an ongoing channel of communication to offer and receive suggestions about how agency and outside sources can more effectively work together to better serve the victim/witness.

V. VICTIM/WITNESS-INITIAL ASSISTANCE

The Department provides twenty-four (24) hour information via the non-emergency number. The Communications Specialist answering the phone will have available the following information:

A. Victim/witness assistance supplied by the Department/City. (CALEA 55.2.1.a)

B. Victim/witness services offered by allied agencies, both governmental and private sector. (CALEA 55.2.1.b)

VI. VICTIM/WITNESS-FURTHER VICTIMIZATION

The Department will provide appropriate assistance to victim/witnesses who express credible reasons for fearing intimidation or further victimization. (CALEA 55.2.2)

A. When the victim/witness is in the Department jurisdiction, appropriate assistance may range from arranging for protective custody to words of encouragement.

B. If the Department becomes aware of danger to a victim/witness, an attempt to contact and alert the victim/witness will be made.

C. When the victim/witness is in another jurisdiction, the appropriate agency will be contacted, informed of the situation and requested that reasonable precautions be taken.

VII. VICTIM/WITNESS ASSISTANCE-PRE-INVESTIGATION

During the preliminary investigation officers will:

A. Supply victim/witness with information about applicable assistance services available to them. (CALEA 55.2.3.a)

B. Advise the victim/witness to re-contact the Department if the suspect or suspect's companions threatens or otherwise intimidate him/her. (CALEA 55.2.3.b)

C. Supply the victim/witness with a case number of the incident and answer any questions regarding the future processing of the case. (CALEA 55.2.3.c)

D. Provide the victim/witness a telephone number to report any additional information about the case. Advise the victim/witness they may be receiving notification from an investigator regarding the status of the case. (CALEA 55.2.3.d)

VIII. VICTIM/WITNESS ASSISTANCE-DURING INVESTIGATION

During the follow-up investigation, victims/witnesses can expect the following services from employees of the Department:

A. If, in the opinion of the officer, the impact of the crime on a victim/witness has been unusually severe, the victim/witness will be re-contacted periodically to determine whether needs are being met. (CALEA 55.2.4.a)

B. All Department employees should explain the procedures within the criminal justice system to any victim or witness. Victim/Witnesses should be made aware of their role in their case and what will be expected of them throughout the entire process. (CALEA 55.2.4.b)

C. Officers are encouraged to schedule photo arrays, interviews and other required appearances at the convenience of the victim/witness. Officers should make an effort to transport a victim/witness to an appearance if there is no other reasonable means of transportation. (CALEA 55.2.4.c)

D. Officers are encouraged to evaluate property taken during an investigation to determine if it can be returned promptly to the owner. Officers should be conscious of state law and rules of evidence when determining whether property can be returned. (CALEA 55.2.4.d)

E. Officers/detectives are encouraged to assist the victim in obtaining advocate services when and where available. (CALEA 55.2.4.e)

IX. VICTIM/WITNESS ASSISTANCE-SUSPECT ARREST

When possible, victims/witnesses shall be notified of the arrest of the suspect(s) in their case. Notification may be made by phone or mail. (CALEA 55.2.5)

X. CONFIDENTIALITY CONSIDERATIONS REGARDING VICTIMS/WITNESSES

While the Department realizes that victims/witnesses must be kept informed of the status of the case in which they are involved, Officers are nonetheless cautioned about releasing information to victims/witness(es) regarding juvenile offenders, unless the juvenile(s) is/are charged as adults.

- A. Information described above is appropriate to release; however, past arrests, criminal history, and/or other matters of which a particular victim/witness is not a part, shall not be discussed or divulged.
- B. Records pertaining to victims/witnesses, especially if they are juveniles, will not be divulged by Officers to anyone not associated with the case. Such records include, and would not be limited to:
 - 1. Any background information such as prior arrest/criminal records;
 - 2. School records;
 - 3. Photographs of the victim/witness;
 - 4. Medical records pertaining to the victim/witness;
 - 5. Statements made by the victim/witness;
 - 6. The address and phone numbers for the victim/witness; and/or,
 - 7. Any other information of a sensitive nature or that which would potentially place the victim/witness in danger.
- C. If a victim/witness has criminal history record information, Officers with knowledge of it will not divulge or discuss it, except with the State's Attorney(s) assigned to the case.
- D. Media inquiries concerning a victim/witness will be referred to the Chief of Police, or their designee, and only information of a general (non-specific) nature will be released, such as:
 - 1. General location of where the incident occurred (not specific address, but hundred block of the street);
 - 2. The sex, and age of the victim only; and,
 - 3. A statement of what and how the crime was committed, as long as this disclosure will not compromise any on-going investigation.

- E. If a member of the media asks an Officer if the victim/witness could be contacted to determine if he/she would consent to an interview, the Officer will refer this request to the Chief and the victim will be contacted and made aware of the reporter's request.
 - 1. The decision to talk with the media will be left up to the victim/witness.
 - 2. The investigating Officer will advise the victim of what is or is not permissible to say regarding the Officer's investigation in order to protect sensitive information developed as a result of the investigation and to protect unchecked leads, and that the release of certain information could jeopardize the Court proceedings.

XI. INFORMING THE PUBLIC AND THE MEDIA ABOUT VICTIM ASSISTANCE SERVICES

- A. The Department will publicize victim/witness assistance services to the media through the distribution of pamphlets describing the available services which shall be provided to the media upon request.
- B. Department personnel will discuss victim/witness assistance services/programs offered by various agencies with persons calling the station seeking such information.

XII. INFORMATION SHARING WITH OTHER VICTIM ASSISTANCE AGENCIES

- A. The Department will share information with the agencies/organizations described above, unless the disclosure of such information is prohibited by law or Department policy.
- B. Sharing Information With The Human Relations Commission (HRC)
 - 1. The Chief of Police is responsible for reporting certain information relating to victims of hate-type activities.
 - 2. Information pertaining to incidents relating to race, religion, ethnicity, sexual orientation and/or handicap status which are brought to the attention of the Department shall be reported to the HRC within three (3) days of the receipt of the information.
 - 3. The information provided to the HRC will consist of only the victim's name, telephone number, nature of the event, and residence address by block number. The Department is under no obligation to provide any other information.
 - 4. An Officer assigned to conduct an investigation based on the information received from the HRC, will do so in accordance with established Department policies and procedures.