

	CALDWELL POLICE DEPARTMENT Policy & Procedures VICTIM/WITNESS SERVICES		
	Chapter: 650	Volume Six Operations Support	
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LEGAL REFERENCES: Guidelines Issued by the Attorney General, State of New Jersey, N.J.S.A. 52:17B-97 and 52:4B-44a and b.			
ACCREDITATION STANDARDS REFERENCES Chapter 55 (All), 74.4.1			

650.1

POLICY & PURPOSE:

650.1.1

POLICY: It shall be the policy of this agency that all officers and employees of this department shall treat any victim or witness of a crime with fairness, compassion and dignity. This department is committed to cooperating fully with the Essex County Prosecutor's Office victim/witness assistance program, as well as, to maintain strict compliance with guidelines issued by the Attorney General of the State of New Jersey concerning victim/witness rights.

650.1.2

PURPOSE: The purpose of this policy is to govern the implementation and delivery of victim/witness services by agency personnel. Furthermore, compliance with standards (to include those issued by the Attorney General and the County Prosecutor) will enhance this agency's ability to make quality arrests - those that survive to plea or trial. Research findings over time and across jurisdictions consistently indicate that a major cause of case attrition after arrest, but before plea or trial, is witness-related problems. Similarly, research 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. The manner in which an officer or agency employee treats a victim at the time of the crime and any time thereafter affects not only the victim's immediate and long term ability to cope with the crime, it also determines his/her willingness to assist in the prosecution.

650.1.3

DEFINITIONS:

- A. **VICTIM:** A "victim" means a person who suffers personal, physical or psychological injury or death or incurs loss of or injury to personal or real property as a result of a first, second, third or fourth degree offense committed against that person; or as a result of a motor vehicle accident involving another person's driving while under the influence of drugs or alcohol; or as a result of a bias incident, domestic violence or a motor vehicle violation involving a fatality.
- B. **WITNESS:** "Witnesses" to the above aforementioned crimes, and homicide and sudden death survivors are also entitled to the rights and services contained herein, as applicable.
- C. **VICTIM/WITNESS COORDINATOR:**
1. **Borough of Caldwell:** The municipal victim/witness coordinator shall be an officer who is assigned victim/witness duties, at the discretion of the Chief of Police. Additional officers shall be assigned as required and designated by the Chief of Police. The victim/witness coordinator shall serve as the agency's single point of contact concerning victim/witness referral information for services offered in this department's jurisdiction concerning victims/witness in need of medical attention, counseling, and emergency financial assistance. Other responsibilities include:
 - a. Ensure in-service training is conducted on a timely basis and is kept current.
 - b. Ensure that policies and procedures remain in compliance with existing laws, directives and requirements of statute, the Attorney General and the Essex County Prosecutor's Office.
 - c. Ensure the proper reporting/documentation of required notifications.
 - d. Ensure the "Desk Reference Book" is maintained and is kept current.
 - e. Establish and maintain liaison with the Crime Victim/Witness Coordinator for Essex County.
 - f. Other requirements as outlined within this policy.
 2. **Essex County Prosecutor's Office:** The victim/witness coordinator for the Essex County Prosecutor's Office is responsible for coordination of victim/witness services for all criminal cases at the county level, as well as to respond to all victim/witness referrals generated at the local level.
- D. **RIGHTS OF VICTIMS/WITNESSES:** The following rights are guaranteed to victims/witnesses by the Crime Victim's "Bill of Rights".
1. To be treated with dignity and compassion by the criminal justice system.
 2. To be informed about the criminal justice process.
 3. To be free from intimidation.
 4. To have inconveniences associated with participation in the justice process minimized.
 5. To make telephone calls as deemed necessary.
 6. To medical assistance if it appears necessary.
 7. To be notified if presence in court is not needed.
 8. To be informed about available remedies, financial assistance and social services.
 9. To be compensated for losses when possible.
 10. To be provided a secure waiting area during court proceedings.
 11. To be advised of case progress and final disposition.

12. To the prompt return of property when no longer needed as evidence.

E. ELIGIBILITY REQUIREMENTS FOR COMPENSATION FOR THE VIOLENT CRIMES COMPENSATION BOARD (VCCB):

1. A person who is an innocent victim of a violent crime. He/she must not have contributed to the incident that is the basis for the claim. He/she must not have been involved in criminal activity at the time of the incident.
2. Where that person has sustained personal injuries; or
3. A person who is the surviving spouse, parent/guardian, or child of a victim of a crime, who died as a direct result of such crime; or
4. A person who is any other relative, dependent for support upon a victim of a crime who died as a direct result of crime; or
5. A person who is injured while trying to prevent a crime or while assisting a police officer in making an arrest.
6. The victim must have been injured in the State of New Jersey. (Note: If the injury took place out of state, the victim can file in New Jersey concurrently if there is a chance that the expenses will exceed that paid by the primary jurisdiction; New Jersey can help pay that amount after the primary jurisdiction has concluded the claim).
7. If the claimant is a minor, the claim must be signed by a parent or guardian.

650.2

ADMINISTRATIVE RESPONSIBILITIES:

650.2.1

BIENNIAL ANALYSIS: At least once every two years, the departmental victim/witness coordinator shall conduct an analysis of victim/witness needs and available services within the agency's service area. If a similar analysis is conducted by the Prosecutor's Office Victim/Witness Coordinator, a second analysis by the municipal coordinator will not be required.

A. REQUIRED ELEMENTS OF THE ANALYSIS: The coordinator shall review crime reports and statistics to determine the following:

1. The extent and major types of victimization within the agency's service area;
2. An inventory of information and services needed by victims and 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; and
4. The identification of any unfulfilled needs and the identification of needs that are appropriate for the agency to meet.

B. EVALUATION OF VICTIM/WITNESS SERVICES: Once the coordinator has completed the biennial review, he/she shall forward a copy of this review to the Chief of Police, with recommendations for amending or implementing policies and procedures to meet the needs indicated. The programs provided by this agency should not duplicate the efforts of other victim or witness agencies within the service area (county or state level offices).

650.2.2

INTERAGENCY RELATIONSHIPS: The departmental victim/witness coordinator shall maintain an ongoing relationship (liaison) between this agency and the Essex County Prosecutor's Office Victim/Witness Unit, as well as, other outside agencies and social service groups capable of providing victim/witness assistance. Typically, this relationship may be initiated by, and maintained through, phone calls, or if necessary, through documentation by written letter.

A. **PURPOSE:** This relationship shall be for the purposes of the following:

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

650.2.3

PUBLIC INFORMATION: The departmental victim/witness coordinator shall be responsible for ensuring an adequate supply of victim/witness brochures and related materials are available for dissemination by agency personnel to victims/witnesses, and upon request, to members of the public. The coordinator shall also ensure brochures are displayed in an area of police headquarters which is accessible to the public.

A. **PRESS RELEASES:** Additionally, the victim/witness coordinator may prepare press releases to supplement the efforts of the Essex County Prosecutor's Office Victim/Witness Unit concerning public information about the availability of victim/witness services. All press releases must conform to guidelines as outlined in agency policy and procedures (#640: Public Information).

650.2.4

SUPERVISORY RESPONSIBILITY: All Supervisory personnel are to insure that Crime Victim's Rights information is disseminated to victims/witnesses as defined in this policy by the officers and employees under their command, and, to insure that documentation of the issuance of this information is included in the officer's report. Supervisory personnel are also to ensure that their assigned personnel are familiar with the rights of victims/witnesses and that they are sensitive to their needs.

650.2.5

CONFIDENTIALITY: All personnel are to ensure the confidentiality of all personal information related to victims/witnesses as defined in this policy. The release of information pertaining to any victim/witness shall be governed by the release of information as outlined in Policy and Procedure #640: Public Information.

A. **RECORDS AND REPORTS:** For purposes of ensuring the confidentiality of records and files related to victim/witnesses, all reports and documentation shall not be released without prior approval from the Essex County Prosecutor's Office. Absent approval, all reports and documentation will not be released unless a court order has been obtained.

1. **COURT ORDER:** Where a court order has been produced, the Records Bureau Commanding Officer will immediately inform the Essex County Prosecutor's Office prior to releasing the records and reports. The Prosecutor may prepare a legal challenge to the order, if so decided.

650.3

PROCEDURAL GUIDELINES:

650.3.1

SERVICES TO BE RENDERED DURING THE PRELIMINARY INVESTIGATION: The assigned investigating officer/detective shall ensure the following victim/witness services are rendered during the initial preliminary investigation.

- A. **MEDICAL ATTENTION:** The victim/witness shall be provided with access to emergency first aid, if it appears necessary.
- B. **AVAILABILITY OF SERVICES:** The victim/witness shall be given information about applicable services, e.g., counseling, medical attention, VCCB Compensation, and any other services which may be applicable to the investigation.
 - 1. The victim shall also be given the phone number of the Municipal and County Victim/Witness Coordinator.
 - 2. The victim/witness shall be allowed to make telephone calls as deemed necessary.
- C. **THREATS:** Victims and witnesses should be encouraged to immediately report any incident of threats, intimidation or harassment made by the suspect, the suspect's companions or family, as well as, the potential responses to any confirmed incidents involving threats, intimidation or harassment which may include; bail revocation, restraining orders, additional charges, or subsequent arrest.
 - 1. Victims and witnesses should also be informed of such provisions designed to protect them from further harassment or intimidation, as well as the benefits of restraining orders, escort to court, and any additional security provisions.
 - 2. Officers shall offer frightened victims/witnesses words of encouragement in order to lessen the level of fear and anxiety being experienced by the victim/witness.
- D. **CASE NUMBER & SUBSEQUENT INVESTIGATIVE STEPS:** The victim/witness shall be informed of the case number, the subsequent steps in the processing of the case, and their role in case development.
- E. **PHONE NUMBERS:** The victim/witness shall be provided with the agency's emergency and non-emergency phone number, in addition to the phone number of the municipal and county Victim/Witness Coordinators.
 - 1. Victims/witnesses are to be encouraged to call the municipal Victim/Witness Coordinator to receive information about the status of their case (whether it is open, suspended or closed).

650.3.2

INVESTIGATING THREATS TO VICTIMS: Appropriate attention shall be given to investigating victim/witness reports of threats or intimidation. Agency personnel are to treat threats and acts of intimidation with sensitivity and concern. All such reports are to be brought to the immediate attention of the Shift Supervisor.

- A. IMMEDIATE RESPONSE: Officers shall document any allegation of threats or acts of intimidation, and pursue such allegations in a fashion so as to insure maximum protection to the victim/witness.
1. Officers receiving such reports shall exhaust all investigative avenues in an effort to resolve the allegation.
 2. Where immediate protection is needed, the officer shall inform the Shift Supervisor. The Shift Supervisor shall weigh the nature of the case with the resources available to the agency, against the level of danger faced by the victim/witness. Depending on the level of threat, the Shift Supervisor may take the following action.
 - a. Notify the County Prosecutor's Office and Victim/Witness Coordinator for immediate assistance in providing for protective assistance or custody.
 - b. Assign an officer to guard the victim/witness until other arrangements can be made.
 - c. Attempt to temporarily relocate the victim/witness.
 - d. Make available the protections outlined in the Domestic Violence Act, if applicable.
 - e. Any other action necessary to protect the victim/witness from harm.
 3. If physical protection is indicated and the victim/witness is in another jurisdiction, the investigating officer shall contact the appropriate agency and inform them of the situation and request that reasonable precautions be taken.

650.3.3

SERVICES TO BE RENDERED DURING THE FOLLOW-UP INVESTIGATION: The following services shall be rendered during the follow-up investigation, if any:

- A. VICTIM/WITNESS COORDINATOR: The victim/witness coordinator shall be responsible for the following
1. If, in the opinion of the investigating officer/detective, or of the Victim/Witness Coordinator, the impact of a crime on a victim/witness has been unusually severe and has triggered above average need for victim/witness service, then the Victim/Witness Coordinator shall re-contact the victim/witness periodically to determine whether their needs are being met.
 - a. Periodically shall mean within 10 days of the initiation of a follow-up investigation.
 - b. The Victim/Witness Coordinator will make every effort to assist the victim/witness.
 2. To arrange, and provide for, a secure waiting area for court for victims/witnesses, on the local level.
- B. INVESTIGATING DETECTIVES: Investigative supervisors and personnel are to coordinate efforts to assist crime victims with the Victim/Witness Coordinator. Detectives shall be responsible for the following:
1. If not an endangerment to the successful prosecution of the case, providing for an explanation to the victim/witness of the procedures involved in the prosecution of their case and their role in those procedures.
 2. Scheduling lineups, interviews, and other required appearances at the convenience of the victim/witness, and if necessary and feasible, providing for transportation to attend these activities.
 3. Except for contraband, disputed property, and seized weapons, provide for the prompt return of victim/witness property taken as evidence.
 4. To notify the victim/witness if their presence in court is not needed.

650.3.4

SERVICES TO BE RENDERED UPON ARREST AND DURING POST ARREST PROCESSING: Investigators/patrol officers assigned to the follow-up investigation or officers conducting the preliminary investigation who arrest a suspect, or who are notified of a suspect's arrest, shall notify the victim or witnesses that an arrest has been made, the charges being brought against the arrestee, and the arrestee's current status (ROR , Bail or Incarceration). Whenever possible, the victim/witness shall be advised of the status "prior" to the possible release of the suspect. Should the arrestee's status change, the involved officer or officer who receives such notification shall also keep the victim or witness informed of such a change (immediately).

- A. **REVIEW OF NEEDS:** During a notification, the notifying officer shall inquire if the victim's needs are being met, to include the immediate safety needs of the victim/witness due to the possible release of the suspect. Appropriate referrals are to be made where applicable, and any need for protection shall be handled as outlined within this policy.
- B. **NOTIFICATION:** When a suspect is charged with an indictable crime or a domestic violence offense and is being released from custody directly by the Caldwell Police Department, the victim will be notified immediately using the contact information contained on the victim notification form.

650.3.5

VICTIM NOTIFICATION FORM: A New Jersey Victim Notification Form is to be completed for all indictable offense and all domestic violence offenses. Accurate victim contact information is critical to ensure that the victim receives notification when an offender is released from custody. The information recorded on the form is strictly confidential and is not discoverable.

A. **VICTIM INFORMATION AND NOTIFICATION EVERYDAY (V.I.N.E.):** The V.I.N.E program allows access to information concerning the suspect's custodial status 24 hours a day. The information can be accessed by:

1. Any crime victim
2. Any family member or friend of a crime victim
3. Victim advocates and victim service providers
4. Law enforcement & criminal justice staff
5. Anyone concerned about inmate custody status

B. **REGISTRATION WITH V.I.N.E:** When a victim wishes to be notified about the suspect's status the contact information must be completed on the form and the form will be used to register the victim automatically. The victim must pick a four-digit pin in order to be registered. Victims will then be able to access the system using their pin number.

C. **USE OF FORM WITHOUT NOTIFICATION REQUESTED:** If the victim does not wish to be contacted then the box stating 'Victim does not want to be notified' will be checked. The victim must initial on the line indicated on the form stating that the victim does not wish to be notified. The victim's contact phone number section and the pin selection section of the form should be left blank when the victim does not wish to be notified concerning the suspect's custodial status. This includes when the

victim is the State of New Jersey , the Caldwell Police Department or businesses. If a business, company or governmental agency wishes to be contacted then the victim information must contain a contact person's name and not just the business name. When a phone number is entered in the victim contact section the victim will be automatically registered.

D. COMPLETING, FILING, FORWARDING FORM: The victim notification form will be completed when investigating any indictable crime or domestic violence offense. The form will be filed with the detective bureau.

1. When transporting a suspect to the county jail the original victim notification form will be turned over to county intake personnel. A copy of the form will be filed alphabetically by the defendant's last name in the victim notification filing cabinet.
2. Domestic violence victims must initial the form indicating that their domestic violence rights were explained to them and they received a copy of their rights.
3. Domestic violence victims must sign if they do not want a restraining order.