

GENERAL ORDER 55

VICTIM/WITNESS ASSISTANCE

EFFECTIVE DATE: May 1, 2019

SUMMARY OF REVISIONS:

INDEX OF STANDARDS

55.1 ADMINISTRATION

55.1.1 AGENCY'S ROLE IN VICTIM/WITNESS ASSISTANCE

55.1.2 REVIEW OF VICTIM/WITNESS NEEDS

55.1.3 VICTIM AND WITNESS RIGHTS

55.2 OPERATIONS

55.2.1 24 HOUR ACCESS TO VICTIM/WITNESS INFORMATION

55.2.2 ASSISTANCE TO VICTIMS AND WITNESSES

55.2.3 SERVICES DURING PRELIMINARY INVESTIGATIONS

55.2.4 SERVICES DURING FOLLOW UP INVESTIGATIONS

55.2.5 NOTIFYING VICTIM WHEN ARREST IS MADE

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

55.9 SUPPORT SERVICES

55.9.1 CHAPLAINCY PROGRAM

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.

55.1 ADMINISTRATION

55.1.1 AGENCY'S ROLE IN VICTIM/WITNESS ASSISTANCE

A. This Division will continue to be committed to the **development, implementation and perpetuation** of appropriate victim/witness assistance programs and activities which will provide victims of crime with all reasonable assistance to:

- protect the victim/witness from further harm;
- enhance cooperation between police and victim/witness;
- enhance willingness on the part of the victim/witness to assist in prosecution of criminal offenders;

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 role of the agency in victim/witness assistance services.

– Articles in local newspapers, information on the Division's website, and information distributed or relayed during neighborhood and/or community meetings will be the primary mechanisms for the distribution of victim service 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 Community Services Bureau Commander or his/her designee will maintain contact with other criminal justice agencies and the **victim/witness advocates**, and work cooperatively with other social-service agencies in the development of programs serving the victim-witness populous.

E. 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.

55.1.2 REVIEW OF VICTIM/WITNESS NEEDS

The Community Services Bureau Commander or his/her designate will complete a review of available services to include needs for victim/witness needs at least once every two years.

The reviewer may use Richland County's victim/witness advocacy reports as well as city of Mansfield data retrieved from Division's Records 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 General Order 81.2.7).

55.1.3 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 (ORC) 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.

- The ORC and 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).

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

55.2 OPERATIONS

55.2.1 24 HOUR ACCESS TO VICTIM/WITNESS INFORMATION

A. The Public Safety Communication Center (PSCC) will serve as **a single point of contact** to provide 24 hour 9-1-1 or Police Emergency line referral information regarding **this agency's response with direct law enforcement service** and victim/witness services of both this agency and other Richland County agencies.

B. Additional services offered in **this agency's jurisdiction by other organizations**, include but are not limited to; 24 hour emergency fire response; 24 hour Emergency Medical Service (EMS) to those in need of medical attention and/or phone numbers for local medical facilities; counseling to include Center for Individual & Family Services, Ohio Health Hospital and additional references in the FIRST CALL RICHLAND guide.

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 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, in extreme cases, may include 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.

- Division personnel will make available to victims of crime involving violence the following information; Picking up the Pieces; Your Rights and Responsibilities as a Crime Victim brochure, published by the Attorney Generals Office. In addition to referral resources, all victims of any felony or any misdemeanor involving violence will upon request, 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.

C. Victims/witnesses will be advised of the case number to reference the case, and/or procedures to contact MPD Records to add additional information or obtain information. They will also be advised of the name of the officer responsible for the report, and the subsequent steps in the processing of the case.

D. Victims/witnesses will be provided with the agency phone number(s) and procedure 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 an investigator. The victim may also be advised to contact the Detective Section in the event they have questions or concerns.

- If a case is initially classified as inactive, the Detective Section Commander will be the designated contact(s) 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 following 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 re-contacting the victim/witness within a reasonable period of time 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 possible, 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, the **victim/witness should be advised how to contact a victim advocate(s)** who may assist them during the follow-up investigation.

– Referrals can be made to various agencies such as; City Law Director, Richland County Prosecutor Victim Assistance and the Ohio Attorney General's Office.

F. The investigating officer shall ensure that copies of the incident and any supplemental reports are forwarded to the prosecutors office.

55.2.5 NOTIFYING VICTIM WHEN ARREST IS MADE

When practical, whenever an arrest is made for a crime occurring within the City of Mansfield, 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) and/or the victim's family:

- That an arrest has been made and what charges have been filed.
- The name of the defendant.

The agency provides information on the Division Web Site 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, if possible, in-person, 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 LEADS, and authorized by a supervisor. If possible, a **representative from the requesting agency** should accompany the officer from this agency that is making notification. If it is not possible for a representative to accompany the officer, a Public Service number should be obtained from the requesting agency to permit the notifying officer and the deceased family can obtain further, accurate information.

– **Requests for notification** to be made by a foreign agency on behalf of this agency shall be approved by a supervisor and requested by LEADS. A Public Service number should be provided to the agency to permit the notifying officer and the deceased family to obtain further, accurate information.

– **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 Mansfield Division of Police chaplaincy program is to provide guidance and counsel to members of the Mansfield Division of Police and to the public. All Division chaplains will maintain a close working relationship with the agency 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 but are not limited to:

- Representing the agency at public functions.
- Presiding over Departmental Memorial Services
- Opening and Closing official departmental functions.

Chaplains must have a Ministerial Certificate of License. Chaplains shall be issued an official identification card and badge upon a completion of a background check and approval by the Chief of Police. 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 monthly on-call schedule for the Chaplains is located in the 42 Day Work Schedule.

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: Ohio Victims of Crime Program Handbook; Ohio Victims of Crime Compensation Handbook.