	ANDOVER POLICE DEPARTMENT GENERAL ORDER	Number: M1108 Page: 1 of 7 Distribution: All
Title: VICTIM/WITNESS ASSISTANCE		Section: Administration
Issued: 05/11/2010	Effective: 05/19/2010	Revised: 09/21/2016
Rescinds: All Previous	Amends:	
CALEA References: Chapter 55		
Review: Annual	Authority: Chief Michael A. Keller	

I. Purpose

The purpose of this General Order is to provide written guidance for employees to assist persons entering the criminal justice system in understanding the procedures and requirements of the system thereby decreasing case attrition related to victim/witness problems, and ensuring the fair and compassionate treatment of all victims/witnesses of crime.

II. Policy

Victims and witnesses are entitled to support and fair treatment. The manner in which employees treat victims and witnesses of crime affects the person's ability to cope with the crime. It can also determine their willingness to assist in prosecution. Ultimately the victim/witness assistance processes are designed to ensure victim/witnesses receive professional treatment consistent with their important investigative and prosecutorial role in a manner that shows courtesy, compassion and respect. The Department is committed to the development, implementation, and continuation of appropriate victim/witness assistance activities.

III. Definitions

A. **Person Crimes:** A crime resulting in the intentional or reckless injury of a person, the threat of or perceived threat of intentional injury to a person, or the attempted intentional injury of a person.

B. **Property Crimes:** Crimes resulting in the theft or damage of property, or the attempted theft or damage of property.

C. **Victim:** Any person who suffers direct or threatened physical, emotional or financial harm as the result of the commission or attempted commission of a crime against such person.

D. **Witness:** Any person who has information or evidence relevant to the investigation of a specified crime. For the purposes of this General Order "witness" does not include defense witnesses, the perpetrator(s) of the crime, or accomplices.

IV. Regulations

A. All victims/witnesses will be treated with courtesy, compassion and respect for their dignity and privacy [B].

B. Officers will provide victim/witness assistance in accordance with this General Order and document the same [A].

C. Employees, when appropriate, will provide victims/witnesses with referrals to internal and external services [A].

V. Procedures

A. Bill of Rights for Victims of Crime

In 1989 the Kansas Legislature enacted a Bill of Rights for Victims of Crime, K.S.A. 74-7333 et seq. The law ensures the fair and compassionate treatment of victims of crime and increases the effectiveness of the criminal justice system by affording victims of crime certain basic rights and considerations. The department shall recognize the following rights of victims pursuant to State Law and strive to ensure victims are afforded their rights (55.1.1):

1. Victims should be treated with courtesy, compassion and with respect for their dignity and privacy and should suffer the minimum of necessary inconvenience from their involvement with the criminal justice system.
2. Victims should receive, through formal and information procedures, prompt and fair redress for the harm, which they have suffered.
3. Information regarding the availability of criminal restitution, recovery of damages in a civil cause of action, the crime victims' compensation fund and other remedies and the mechanisms to obtain such remedies should be made available to victims.
4. Information should be made available to victims about their participation in criminal proceedings and the scheduling, progress and ultimate disposition of proceedings.
5. The views and concerns of victims should be ascertained and the appropriate assistance provided throughout the criminal process.
6. When the personal interests of victims are affected, the views or concerns of the victim should, when appropriate and consistent with criminal law and procedure, be brought to the attention of the court.
7. Measures may be taken when necessary to provide for the safety of victims and their families and to protect them from intimidation and retaliation.
8. Enhanced training should be made available to sensitize criminal justice personnel to the needs and concerns of victims and guidelines should be developed for this purpose.

9. Victims should be informed of the availability of health and social services and other relevant assistance that they might continue to receive the necessary medical, psychological and social assistance through existing programs and services.
10. Victims should report the crime and cooperate with law enforcement authorities.

B. Documented Review of Services

The Operations Division Commander is responsible for administering the Department's victim/witness assistance processes. Specific responsibilities include:

1. Monitor victim/witness assistance provided by the Department.
2. Act as the Department's liaison with other governmental and non-profit organizations for the purposes of providing effective support services to victims/witnesses (55.1.3d).
3. In cooperation with the Butler County Victim/Witness Coordinator, complete a review of victim/witness needs and available services within Butler County. The Operations Division Commander will determine whether the needs of victims/witnesses are being met by Department processes, other governmental agencies and community organizations.
4. Submit a report every three years that will address several elements of victim/witness assistance services, including:
   a. The needs of victims and witnesses.
   b. How victim/witness needs are being met by other government agencies and community organizations.
   c. Unfulfilled needs of victim/witnesses and appropriateness of Department action toward their fulfillment (55.1.2).

C. Victim/Witness Initial Response and Preliminary Investigation

1. The Department will attempt to respond to all calls for assistance with a personal appearance of an officer.
   a. Should a caller merely request information about the victim/witness assistance processes but does not desire to talk with an officer in person, the employee who receives the call will refer to the Department's pamphlet titled, "Information for Victims/Witnesses of Crimes" and provide the needed information.
   b. Should the caller require specific information about the criminal justice system that is not contained in the above titled pamphlet (i.e. bonding procedures, court appearances, etc.), the employee should refer the caller to an on-duty supervisor.
2. The Department's victim/witness assistance process is implemented when a police officer conducts a preliminary investigation of a crime (55.1.3a).

3. The Department will ensure the confidentiality of victim/witness files and records while remaining consistent with Kansas law. When appropriate and permitted, information may be released to private and public agencies for the purpose of referral for professional services (55.1.3b).
4. The Operations Division Commander will maintain current information regarding the Department's victim/witness assistance processes. This information may be posted on the Department's web site and/or forwarded to the news media. The triennial report regarding victim/witness processes by the Operations Division Commander may be presented to the City Council (55.1.3c).
5. The Butler County Victim/Witness Assistance program was established and is funded by the Office of the Butler County Attorney. Full time staff is appointed by the Butler County Attorney to ensure the goals of the program are being accomplished. This office has primary responsibility of coordinating with other agencies to determine that the efforts of each agency or group is not being duplicated (55.1.3d).

D. Assistance Availability

1. Victim/Witness assistance information is available 24 hours a day through the department's Communications Section (55.2.1a).
2. Department personnel who receive inquiries regarding victim/witness assistance information shall provide the following information directly to the requester at any time. The information may include, but is not limited to (55.2.1a):
   a. Procedures to follow when filing a police report.
   b. The Department's emergency telephone number as well as the general public telephone number.
   c. The case number assigned to victim/witness's incident.
   d. The name and office telephone number of the officer or detective responsible for incident follow-up.
3. Referral information for victim/witnesses regarding services offered in the community by other organizations (government or private sector) will also be provided upon request and is available in the pamphlet titled "Information for Victims/Witnesses of Crimes (55.2.1b)."

E. Victim/Witness Assistance When Threatened

1. The Department will provide appropriate assistance to victims/witnesses who have been threatened or who, in the judgment of the Department, express specific, credible reasons for fearing intimidation or further victimization.
2. The level of assistance provided to victims/witnesses is determined by the nature of the case and by the resources available. Normally the assistance is commensurate with the danger faced by the victim/witness. Assistance may

vary from transporting the person to a place of safety, to providing extra patrol for a location, to merely offering a frightened person some words of encouragement.

3. When an officer develops probable cause to believe that a suspect has violated any of the laws protecting victims/witnesses, the officer will take appropriate enforcement action (55.2.2).

F. Assistance: Preliminary Investigation

1. Officers responding to person crimes will provide victims/witnesses with a pamphlet titled "Information for Victims/Witnesses of Crimes," which describes available resources, subsequent steps to be taken in the processing of the case, procedures to be taken should the person be threatened later by other persons, the phone numbers of the Office of the Butler County Attorney, the Andover Municipal Court, and the Department case number assigned to the case (55.2.3a, 55.2.3c).
2. Officers responding to property crimes will provide victims/witnesses with, at a minimum, the officer's name, office phone number and the case number for the incident. The Department's regulation business card is the preferred method for distribution of this information.
3. The officer will advise victims/witnesses of the availability of health, psychological and counseling services depending upon the nature of the incident (55.2.3a).
4. The officer will advise the victim that K.S.A. 74.7301 et. Seq. may provide victim compensation under certain conditions. K.S.A. 74-7305 provides guidance for claims for compensation; application; conditions; limitations; amount; conditions which apply to specific crimes and establishes a procedure for filing a claim. The victim should be advised to contact the Crime Victim's Compensation Board, the Butler County Victim/Witness Coordinator or the Andover Municipal Court for further information (55.2.3a, 55.2.3c).
5. Officers will advise victims/witnesses to contact the Department by calling 911 if the suspect, or others, threaten or otherwise intimidate them and they need an officer to respond immediately (55.2.3b).
6. Officers will provide victims/witnesses with the Department non-emergency phone number to report additional information about the case and receive information about the status of a case (55.2.3d).
7. Officers will advise victims of child physical or sexual abuse, adult sexual abuse, domestic abuse, or stalking of the availability of a victim advocate and will help facilitate contact with a domestic violence advocate if the victim wishes to meet or otherwise speak with an advocate.

G. Assistance – Follow Up Investigations

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1. The patrol officer, or department members assigned in active cases, at a minimum, will re-contact the victim the next day or within one week of the report of a crime to determine if the victim has additional information that may assist with the investigation, to update the victim on the status of the investigation and to see if the victim needs are being met. The officer or detective responsible for follow-up will maintain periodic contact with the victim as long as the investigation remains active and will notify the victim when the investigation is no longer active or is closed. All follow-up contacts with victims shall be documented with a supplemental report (55.2.4a).
2. In cases where the impact of a crime on a victim/witness has been unusually severe and potentially may necessitate above average victim/witness assistance, the Investigations Section Commander is responsible to ensure a member of the command staff periodically contacts the victim to ensure the victim's needs are being met (55.2.4a).
3. The patrol officer or detective responsible for the investigation will explain to victims/witnesses the procedures involved in the prosecution of their cases and their role in those procedures. After investigative functions have been concluded and an arrest made, if appropriate, the officer or detective responsible for the investigation will outline court procedures for: arraignment, preliminary hearings and trials, and inform the victim/witness of their role in court proceedings (55.2.4b).
4. When feasible the investigating officer or detective will schedule investigative functions at the convenience of victims/witnesses and, if necessary, provide transportation for the victim/witness to attend investigative functions. Interviews, photo line-ups, evidence collection, etc., will be coordinated with victims/witnesses in a timely fashion (55.2.4c).
5. When feasible the investigating officer or detective will coordinate the prompt return of property to the victim when it is no longer needed as evidence (55.2.4d).
6. In cases of child physical or sexual abuse, adult sexual abuse, domestic battery and stalking cases, the officer or detective responsible for the investigation will coordinate the services of a victim advocate if the victim, or in the case of a child, the victim's family desire the advocate's services (55.2.4e).

H. Victim/Witness Assistance – Suspect Arrest or Release Notification

1. Officers or detectives assigned to investigations will, in a timely fashion, attempt to notify victims when offenders are arrested, if that information is known to the department.
2. When a suspect is arrested and booked into jail for a person crime (i.e. domestic violence, stalking, battery, assault, etc.) the arresting officer should request jail

staff contact the Department when the suspect is about to be released. The employee receiving the call from the jail shall immediately notify a supervisor who will make a reasonable effort to contact the victim. Victim notification and attempted notifications shall be documented in a supplemental report (55.2.5).

I. Next of Kin Notification (55.2.6)

1. The Department may be requested to notify close relatives of seriously injured, ill, or deceased persons. The Department will attempt to personally notify relatives promptly with due consideration for the family's bereavement.
   a. In cases where the request for notification originates within the City of Andover, an officer will talk in person with the requester to determine and verify the identity of the requester and the validity of the request.
   b. Should a request for notification originate outside the Department's jurisdiction, it is desirable that the request be accompanied with written teletype information to verify the request. If the request is from a law enforcement agency and verification by other means is possible, a teletype is not necessary. These safeguards are necessary to prevent the Department from becoming a party to a cruel hoax or misunderstanding.
2. Should the notification request be the result of a death or imminent death, the Department will contact a Department Chaplain who will, when available, accompany an officer to contact the next of kin. Should the notification request be the result of serious injury or illness or where the requester has experienced difficulty in locating the next of kin, an officer may attempt to locate the individual and relay the emergency message without the assistance of a Department Chaplain.