

UPPER MERION TOWNSHIP POLICE DEPARTMENT
POLICY AND PROCEDURE

No. 1500

Supersedes: NA

Effective: April 28, 2004

Page: NA Section: NA

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Dated: October 13, 2003

VICTIM/WITNESS ASSISTANCE

- I. **PURPOSE:** The purpose of this policy is to recognize and address the needs of victims and witnesses of crime, and to outline the responsibilities of officers to provide information and guidance for these individuals.
- II. **POLICY:** It is the policy of the Upper Merion Township Police Department to treat the victims and witnesses of all crimes with fairness, compassion and dignity. The Department will meet all state legislative responsibilities regarding the treatment of victims and witnesses. All personnel will provide information to victims/witnesses of crime regarding services provided by this department and other governmental organizations.
- III. **CROSS-REF:** Policy #110, DOMESTIC VIOLENCE INCIDENTS
- IV. **DEFINITIONS:**

PERSONAL INJURY CRIME: An act, attempt or threat to commit an act which would constitute a misdemeanor or felony under the following:

1. 18 Pa.C.S. Ch.25 (relating to criminal homicide)
2. 18 Pa.C.S. Ch.27 (relating to assault)
3. 18 Pa.C.S. Ch.29 (relating to kidnapping)
4. 18 Pa.C.S. Ch.31 (relating to sexual offenses)
5. 18 Pa.C.S. Section 3301 (relating to arson and related offenses)
6. 18 Pa.C.S. Ch.37 (relating to robbery)
7. 18 Pa.C.S. Ch.49 Subch. B (relating to victim and witness intimidation)
8. 30 Pa.C.S. Section 5502.1 (relating to homicide by watercraft while operating under the influence)
9. 75 Pa.C.S. Section 3731 (relating to driving under the influence of alcohol or controlled substance in cases involving bodily injury)
10. 75 Pa.C.S. Section 3732 (relating to homicide by vehicle)

11. 75 Pa.C.S. Section 3735 (relating to homicide by vehicle while driving under the influence)
12. 75 Pa.C.S. Section 3735.1 (relating to aggravated assault by vehicle while driving under the influence)
13. 75 Pa.C.S. Section 3742 (relating to accidents involving death or personal injury)
14. The term includes violations of any protective order issued as a result of an act related to domestic violence

VICTIM: The term means the following:

1. A direct victim
2. A parent or legal guardian of a child who is a direct victim, except when the parent or legal guardian of the child is the alleged offender.
3. A minor child who is a material witness to any of the following crimes and offenses under Title 18 committed or attempted against a member of the child's family:
 - a. Chapter 25 (relating to criminal homicide)
 - b. Section 2702 (relating to aggravated assault)
 - c. Section 3121 (relating to rape)
4. A family member of a homicide victim, including stepbrothers or stepsisters, stepchildren, stepparents or a fiancé, one of whom is to be identified to receive communication as provided for by the Crime Victims Act, except where the family member is the alleged offender.

V. **RESPONSIBILITIES:**

1. Treat every victim with dignity, fairness and compassion.
2. Explain to victims/witnesses the appropriate procedures for dealing with any threats of intimidation or harm.
3. Provide immediate assistance to victims/witnesses who express a specific, credible reason for fearing intimidation or further victimization. Advise the victim/witness that if they are threatened or otherwise intimidated by the suspect(s) to immediately call this Department
5. Ensure that the victim has the reporting officer's name and badge number as well as the incident number for the report.
6. Ensure the confidentiality of victim/witness information specifically regarding where the victim/witness is living or will be staying.
7. Encourage cooperation between the police department and the victim/witness.

8. If not an endangerment to the successful prosecution of the case, explain to the victim/witness their involvement and the procedures for prosecution of their case. Periodically update the victim/witness on the progress of their case.
9. Determine if the victim/witness's needs are being met considering the impact and severity of the incident, re-contacting the victim/witness if appropriate.
10. Provide every victim/witness information regarding services available to them.

VI. **PROCEDURES:**

A. VICTIM'S BILL OF RIGHTS:

1. The Crime Victims Act provides victims of crime with certain rights. These rights are identified in the Rights and Services Available to Victims of Crime in Pennsylvania booklet. This booklet will be provided to victims by this Department in accordance with the provisions of this policy. The booklet is available in the Departmental Forms folder on the Police Computer Network.

B. TRAINING:

1. The department shall insure that all officers and employees are familiar with crime victims' compensation as provided for in the Crime Victims Act. Instruction concerning crime victims' compensation shall be made a part of the field training program for all trainee officers.

C. NOTICE:

1. The investigating officer shall, within **48 hours** of reporting, give notice to the direct victim or, if appropriate, a member of the direct victim's family of the availability of crime victim's compensation. The notice is to be in writing in a manner and form developed by the Office of Victims' Services.
2. The Rights and Services Available to Victims of Crime in Pennsylvania booklet shall be given to the victim to provide this notice. The front of the booklet shall be completed by the issuing officer prior to giving it to the victim. This form contains the following information:
 - a. Pennsylvania's Victim Bill of Rights
 - b. Victim's Responsibility
 - c. Agencies to assist the Victim
 - d. Domestic Violence Victims' Rights
 - e. Crime Victims' Compensation Information
3. The issuing officer shall complete, and have the victim sign, the "Acknowledgement of Receipt of Information" form on the back page of the booklet. Following completion, the form shall be removed from the booklet and placed in the case file.

4. In personal injury crimes, the Department shall make reasonable efforts to notify the victim of the arrest of the suspect within 24 hours of arrest, filing or forwarding of a complaint relating to the crime. The lead investigating officer/detective shall ensure that the notifications required by this section are made.
5. In personal injury crimes, the Department shall notify the victim of an inmate's escape from the custody of the Department. The lead investigating officer/detective shall ensure that the notification required by this section is made.

D. APPLICATION:

1. The written notice provided for in Section VI-C of this policy shall be accompanied by one copy of the application form for crime victims' compensation. The Department shall maintain a record of the date of notification (see section VI-C-3 of this policy).

E. INFORMATION:

1. Law enforcement agencies are responsible for providing basic information on the rights and services available for crime victims. The information shall be in writing and must be provided to the victim **within 24 hours** of the Department's first contact with the victim and in a manner and form developed by the Office of Victims' Services. The Rights and Services Available to Victims of Crime in Pennsylvania booklet shall be given to the victim by the investigating officer within the required time period. This booklet contains telephone numbers of organizations that can assist with the rights and services available to victims/witnesses.

F. RETURN OF PROPERTY:

1. The Department shall return to the victim any property, except contraband, in its possession that was seized as evidence if the prosecutor's office determines that the evidence is no longer needed for prosecution. This shall be the responsibility of the lead investigating officer/detective.

APPROVED: _____

DATED: _____

APPROVED: _____

DATED: _____

TO BE REVIEWED: ANNUALLY

DISTRIBUTION: All police officers
All dispatchers
Township Manager
File