

CHAPTER 55
VICTIM/WITNESS ASSISTANCE

DISCUSSION: This chapter is designed to ensure that victims and/or witnesses receive professional handling consistent with their investigative and prosecutory role. In society today we are dependant, to a great extent, upon the aid of these victims to hold the criminal accountable. In return the victim deserves support and fair treatment. As the first to arrive on the scene of a crime, the officer is the initial source of protection for the victim. The manner in which the Department treats the victim at the time of the crime and afterwards affects not only the victims immediate and long term ability to cope with the crime, it can determine their willingness to assist in prosecution. If victims and witnesses are subjected to what they consider poor treatment, they can be expected to offer something less than wholehearted cooperation with law enforcement, which can have a devastating effect on investigations and subsequent prosecutions. Statistics show that virtually everyone will at one time or another becomes a victim. It would not be possible or practical to provide the same level of service and assistance to all victims. Appropriate response by law enforcement is determined by the type, severity, effect, safety concerns and social issues related to the crime. The same test should be used when defining the service provided to victims/witnesses. The Hattiesburg Police Department provides assistance to victims/witnesses of violent crimes and those who have been threatened or express specific, credible reasons for fearing intimidation or further victimization.

55.1 ADMINISTRATION

55.1.1 Rights of Victims and witnesses

The Mississippi Legislature, MS Code Annotated, Section 99-36-5 finds and declares that crime victims, guardians of victims and family members of deceased victims are entitled to the following rights within the criminal justice system:

- A. The right to receive from law enforcement agencies protection from harm and threats of harm arising from cooperation with prosecution efforts, including, but not limited to, the filing of criminal charges where the perpetrator is known;
- B. The right to have a circuit, municipal or county judge take the safety of the victim or his family into consideration as an element in fixing the amount of bail for the accused;
- C. The right to be informed of relevant court proceedings and to be informed if those court proceedings have been canceled or rescheduled prior to the event;
- D. The right to be informed, when requested by the district attorney's office or the city prosecutor's office concerning the general procedures in the criminal justice system, including general procedures in guilty plea negotiations and

- E. The right to provide a victim impact statement prior to any sentencing of the offender;
- F. The right to receive information regarding compensation to victims of crime as may be provided by law; and
- G. The right to be present at all public proceedings related to the prosecution of the accused, consistent with the rules of evidence.

55.1.2 Analysis of Needs and Available Services

At a minimum, every two years the following information will be documented in an analysis by the victim advocate to assess the needs and available services within the agency's service area to include:

- A. An inventory of service needs of victim/witnesses:
 - 1. Providing immediate crisis intervention, follow-up support, and information related to the police and court systems; and assistance in case preparation.
 - 2. Referral to public and private individuals and organizations providing:
 - (a) Mental health and social services
 - (b) Medical and other emergency services
 - (c) Financial assistance
 - (d) Intervention with creditors, landlords and employers
 - (e) Legal resources
 - (f) Shelter assistance
- B. Victim assistance and related community services available within the service area:
 - 1. Victim Advocate: Provides for crisis intervention, support, and referral, information pertaining to the police, court systems and case preparation.
 - 2. Medical Services: Are provided by Forrest General Hospital, Forrest County Health Department, and private medical service agencies.
 - 3. Mental Health and Social Services: Are provided by the Domestic Abuse Family Shelter, Sexual Assault Crisis Center, pine Belt Mental Health Resources, Pine Grove, the Mississippi Department of Human Services the Red Cross, private agencies and clinicians.
 - 4. Financial Assistance: Is provided through Christian Services Incorporated, Helping Hand Mission, United Way, Salvation Army, Pearl River Valley Opportunity Incorporated, Catholic Social and Community Services and the Breadbasket provided by community churches.
 - 5. Legal Services: Are provided through Legal Aid and private legal institutions.

6. Victim Advocate: Provides intervention with creditors, landlords and employers.
 7. Shelter Assistance: Is provided by the Domestic Abuse Family Shelter, Section Eight Housing, Christian Services Incorporated, and the Salvation Army.
- C. Identification of unfulfilled needs:
1. Increase public awareness and knowledge related to prevention and education related victim/witness assistance including services provided by the police department and other agencies.
 2. Reduce the rate of victims withdrawing charges, increase the rate of convictions.
- D. Identification of needs appropriate for the agency to meet:
1. Provide support for victim/witnesses through the court process, including education on the judicial process.
 2. Ensure the victim/witnesses wishes are met, such as no contact orders, assistance in victim compensation, and .provide assistance in locating temporary housing.
 3. Provide referrals to appropriate agencies.
 4. Work with police officers to obtain and provide information to ensure victim/witnesses safety.
 5. Assist the prosecuting attorney in case preparation.
 6. Create a database to record information to identify repeat offenders.

55.1.3 Policies and Procedures

- A. The Hattiesburg Police Department will govern the implementation of the victim/Witness Assistance Program under the supervision of the Technical Services Division with delivery of victim/witness services by the victim advocate.
- B. The confidentiality of victim/witnesses and their role in case development will be ensured by enforcing the use of confidentiality forms and adhering to confidentiality standards as designated by the National Association of Social Workers.
- C. Upon creation of the position, interviews to inform the public and media about victim/Witness Services were accomplished through newspaper and television interviews. Brochures will be developed, printed and placed at various locations frequented by the public to inform them of the services available.
- D. The relationship between the Hattiesburg Police Department's victim/witness efforts and efforts of other agencies and organizations is initiated and maintained by letter,

phone call correspondence and/or in person.

55.2 OPERATIONS

55.2.1 Information

- A. Emergency response and referral phone numbers are available 24 hours a day for victim/witness assistance. These numbers are 545-7900 and 911.
- B. Referral information regarding services offered in the Hattiesburg Police Department's jurisdiction by other organizations is available for victim/witnesses in need of:
 - 1. Medical Attention: Forrest General Emergency Room, Wesley Medical Center Emergency Room
 - 2. Counseling: pine Belt Mental Health Resources and pine Grove Recovery Center
 - 3. Financial Assistance: Mississippi Department of Human Services

55.2.2 Assistance to Threatened Victim/Witnesses

- A. The victim advocate provides support and words of encouragement to victim/witnesses that fear threats, intimidation or further victimization. The victim advocate contacts the Patrol Division Commander either verbally or in writing. Officers will be made aware of the potential situation through light checks and will increase patrols in that area. Additional assistance may be offered through referrals to temporary shelters, escorts to alternate locations and in extreme cases, protective custody.
- B. When new information is learned that indicates possible danger to the victim/witness, the victim will be contacted by the officer receiving the information or the victim advocate. This information may be acquired from the court systems, the Mississippi Department of Human Resources or other sources.
- C. When the victim/witness is in another jurisdiction, the victim advocate will contact the appropriate agency by telephone and in writing to inform them of the situation and request that reasonable precautions be taken.

55.2.3 Services Rendered During Preliminary Investigations

- A. Information shall be provided to the victim/witness by the initial officer about applicable services. These services can include the department's victim/witness advocate, counseling, medical attention, the Crime Victim Compensation Program, emergency financial assistance, temporary shelter and legal assistance.
- B. If the suspect's companion(s) threaten or otherwise intimidate the victim/witness, support will be provided in the form of referrals to appropriate support agencies, temporary restraining orders, personal affidavits or increased patrol checks.

- C. The victim advocate will inform the victim/witness of the incident number assigned to their case by the Hattiesburg Police Department and the subsequent steps involved in the prosecution of their case. These steps include first appearance of the suspect, preparation for testimony and trial proceedings.
- D. The victim advocate will provide telephone numbers to victim/witnesses so they may report additional information and/or receive current status of the case. These phone numbers are accessible 24 hours a day. Information cards containing contact information will be given to officers to be disbursed to victim/witnesses.

55.2.4 Services Provided During Follow-up Investigation

- A. Victim/witnesses severely affected by a crime or that require above-average assistance will be contacted periodically to ascertain if needs are being met. An emergency phone number will be secured from victim/witnesses to aid in this contact
- B. Procedures involved in the potential prosecution of the victim/witnesses' cases, their role, and the roles of the victim advocate, prosecutor, defender and judge will be explained by the victim advocate, if not an endangerment to the successful prosecution of the case.
- C. Interviews, line ups and other required appearances are scheduled by the victim advocate when deemed appropriate based upon the physical, emotional and financial status of the victim/witness. Transportation to attend interviews will be provided in cases where the victim/witness has no other means of transportation available. This transportation may be provided by the victim advocate or, if safety factors mandate, an officer will be called to transport. (C120503)
- D. The Commander of the Detective Division will be contacted by the victim advocate to aid in the expedition of misdemeanor evidence return. Felony evidence will be handled IAW AOM chapter 84
- E. The victim advocate is assigned all Domestic Abuse cases and victims/witnesses of violent crimes who have been threatened or express specific, credible reasons for fearing intimidation or further victimization. Cases may also be assigned by the Judge.

55.2.5 Services Upon Arrest and Post-arrest

Police officers and/or the victim advocate will notify the victim/witnesses of the arrest of the suspect, charges, and any changes involved in the case including trial and release dates.

55.2.6 Services Rendered to HPD Personnel and Their Families

- A. An Employee Assistance Program (EAP) is provided to employees, their spouses and dependent children for out-patient counseling sessions at pine Grove Life Focus at no

charge. These services include individual, group, family and marital therapy.

- B. Outside referrals are available for financial counseling, legal assistance and community agency support through the EAP.

55.2.7 Procedures for Notifying Next of Kin

Incidents involving death and serious injury are highly emotional and stressful for the family, friends and emergency personnel. Often emergency responders focus on their job and the unintended result is a perceived indifference by family or others. Officers should be aware of this and be mindful of body language and/or conversation with other emergency personnel that might be considered morbid humor or otherwise inappropriate. Under State Code, only the Coroner or Attending Physician can pronounce death. Thus, it is the policy of the Hattiesburg Police Department that members are not to make death announcements or comment about the extent of any injuries (no matter how apparent). This does not apply to professionally worded information exchange necessary for proper medical attention.

A. On scene

1. Officers may encounter next of kin at the scene of a deceased or seriously injured party. In addition to the normal law enforcement duties required, the officer must remember that until other family members, friends or clergy arrive he/she will be the only support available.
2. If possible, friends and family will be escorted from the immediate area. It is preferred that this area is out of the line of sight to the scene. This is done for several reasons to include:
 - a. The unpredictable emotional reaction by family to the circumstances.
 - b. Safety factors for the officers and others.
 - c. Protection of the scene
3. Because officers are not trained counselors and have several responsibilities, they shall make arrangements for providing support by contacting other family members, friends or clergy. In unusual or extreme cases the victim/witness advocate for the Department may be utilized.
4. In no instance will family members be called to the scene. Instead they will be advised to go to the appropriate medical facility.

B. Inter-jurisdiction

1. In many cases next of kin will not be at the scene. In most cases contact does not occur until after arrival at the medical facility. Should contact occur prior to this the Department member will advise the family member to go to the designated facility.
2. Both hospitals have support staff and areas of privacy for the family. These are trained professionals and can provide care, support, medical and referral services that are not readily available in the field.

C. Intra-jurisdiction

1. There are times when another agency may contact this Department for help in locating and delivering a message to the family member of a deceased or injured person. Officers, when making contact with the family member shall provide information such as names, location, point of contact and etc. Statements of death or the severity of injuries shall be avoided in case the information received was inaccurate or the condition has changed from the time the information was received until it was delivered.
2. When contact must be made by Hattiesburg Police with a party outside our jurisdiction, the party shall be advised to contact the proper medical facility.