

# PORT HURON POLICE DEPARTMENT POLICY AND PROCEDURAL ORDER

			ORDER NO: 55-01
SUBJECT: Victim and Witness Assistance			
EFFECTIVE DATE: Oct. 25, 1994	DISTRIBUTION: A	REVIEWED: REVISED:	Annual
REQUIREMENTS: Program review triennially. Triennial needs analysis.			
ISSUED BY: Chief Joseph A. Platzer		FORMS:	

## I. PURPOSE

It is the purpose of this order to emphasize the needs of victims of crime and non-criminal incidents and the responsibilities of officers to provide support, information, and guidance for these individuals as prescribed by the Crime Victims Act of 1985.

The law is comprehensive and places responsibility on the Police, Prosecutor, City Attorney, Probation Officer, Department of Corrections, and Sheriff. The entire law will not be reproduced in this order due to its length. The provisions of this act took effect on October 9, 1984 with amendments covering specific misdemeanor crimes and those crimes committed by juveniles taking effect on June 1, 1988.

## II. POLICY

Law enforcement officers are often in a unique position to provide assistance to victims of crime and other traumatic incidents that may have both immediate and long-term impact on their emotional recovery. All victims of crime must be treated with fairness, compassion, and dignity. Also, victims who feel that they were treated with understanding and concern for their hardship and suffering more frequently become enthusiastic about cooperating with the investigation and assisting in the prosecution. Therefore, it is the policy of the Port Huron Police Department to improve the treatment of victims and survivors of crime and non-criminal crisis situations by providing the assistance and services necessary to speed their physical and emotional recovery, and to support and aid them as they continue to interact with the criminal justice system.

The Port Huron Police Department is committed to the development, implementation, and continuation of appropriate victim/witness assistance programs and activities. Therefore, as a matter of policy, officers of the Port Huron Police Department will inform victims of

domestic violence or victims of crime of the following:

They have a right to compensation/restitution for "out of pocket" expenses under Michigan Law if:

- A. They are the victim of a crime.
- B. A surviving spouse, parent, or child of a victim of a crime who died as a direct result of the crime.
- C. Any other person dependent for his principal support upon a victim of a crime who died as a direct result of the crime.

### III. DEFINITIONS

- A. Crime: (for the purpose of this order) a violation of the law for which the offender, upon conviction, may be punished by imprisonment for **more than one year**, as well as the following:
  - 1. Any crime involving an assault.
  - 2. Illegal entry.
  - 3. Enticing a child for immoral purposes.
  - 4. Leaving the scene of a personal injury accident.
  - 5. Child abuse in the fourth degree.
  - 6. Contributing to the neglect or delinquency of a minor.
  - 7. Using the internet or a computer to make a prohibited communication.
  - 8. Intentionally aiming a firearm without malice.
  - 9. Discharge of a firearm intentionally aimed at a person.
  - 10. Discharge of an intentionally aimed firearm resulting in injury.
  - 11. Indecent Exposure.
  - 12. Stalking.
  - 13. Injuring a worker in a work zone.
  - 14. OWI resulting in property damage, injury, or death to another individual.
  - 15. Selling or furnishing alcohol to a minor (less than 21) if the violation results in physical injury or death to any individual.

- B. Victim: A person who suffers direct or threatened physical, financial or emotional harm as a result of the commission of a crime.
- C. Defendant: A person charged with or convicted of having committed a crime against a victim.

IV. AUTHORITY

- A. The Captain will have the authority and responsibility for administering and coordination the agency's role in the victim/witness assistance. The Captain will be assisted by the Community Services Officer. For the purpose of this policy, the assigned duties of the Captain may be delegated to the Detective Lieutenant or other designated personnel.
- B. The Captain will be responsible for administering and coordinating the Department's role in the assistance for any victims or witnesses. Their duties will include but will not be limited to:
  - 1. Maintaining liaison with any other agency which is concerned with providing services to victims/ witnesses.
  - 2. Ensure that the officers and non-sworn personnel of the Department have an up to date knowledge of the services available and where those services can be obtained.
- C. The Captain will maintain contact with provider agencies by attending meetings, making phone calls to address problems or new policies, or by responding to questions by letter or other written communication, such as surveys, etc.
- D. All sworn and non-sworn personnel will receive information contained in this order for the services available to citizens of St. Clair County.
  - 1. All new personnel will receive training during their FTO training program which includes instruction in this policy and procedure.
  - 2. Every two years the program will be reviewed to insure that the information is accurate and all personnel will receive training in this area.

V. GOAL

It is the goal of the Port Huron Police Department to ensure that all victims of crime(s) defined in this order be given a Victim's Rights and Information form by the first responders to such a complaint.

The objective of the Port Huron Police Department is to see that all such victims receive this vital information at the earliest possible time. This will be accomplished by patrol officers and first line supervisors. Victim/Witness assistance information as defined by

MCL 780.11 is distributed to applicable victims/witnesses by the St. Clair County Prosecutors office.

VI. PROCEDURES

- A. Victims/Witnesses of a crime within the City of Port Huron have 24 hour access to available services and information through St. Clair County Central Dispatch. Central dispatch maintains a resource directory of available services and may be accessed by calling 911.
- B. Within 24 hours after the initial contact between the victim of a reported crime and the Port Huron Police Department, the Department shall provide to the victim the following information in written form.
  - 1. The availability of emergency and medical services, if applicable. (Note: This can include a referral to Community Mental Health, Safe Horizons, etc.)
  - 2. The availability of Victim's compensation benefits and the address of the Crime Victims Compensation board.
  - 3. The address and phone number of the Prosecuting Attorney whom the victim should contact to obtain information about the victim's rights.
  - 4. The following statement: "If you would like to be notified of an arrest in your case or the release of the arrested person, or both, you should call the Port Huron Police Department at 810-984-9711 and inform them. If you are not notified of an arrest in your case, you may call the Port Huron Police Department for the status of the case."
- C. The officer shall neatly print their name, badge number, and the incident report number, along with the date in the appropriate spaces on the victims rights form, remove the yellow copy and give it to the victim. The white original copy will then be attached to the incident report to be filed with the report.
- D. If the victim is not the person who reports the crime or was not advised initially, and the victim's advice of rights was not given, the officer will include the reason in the police report.
- E. The officer, detective, or supervisor having responsibility for investigating a reported crime shall promptly return to the victim, property belonging to that person who was taken in the course of the investigation, with the following exceptions:
  - 1. Contraband: (i.e. drugs, alcohol, etc.)
  - 2. Disputed ownership property: This property will be held until ownership is determined by proper proof of authority.

3. Evidence: any weapon used in the commission of the crime and any other evidence if the Prosecuting Attorney or City Attorney involved certifies that there is a need to retain that evidence in lieu of a photograph or other means of memorializing its possession by this agency.
- F. For cases assigned to the road patrol division, shift supervisors will be responsible for assuring that victim's rights information has been provided and follow-up is done when required.
- G. For cases assigned to the investigative division, the Detective Lieutenant will be responsible for assuring that investigators comply with this policy.
- H. The St. Clair County Prosecuting Attorney's Office has taken responsibility of notifying victims of arraignments, case dispositions, court hearing dates, restitution, and compensation from the state.

VII. NEED ANALYSIS

- A. If a current victim/witness needs and available services analysis is not available through another providing agency the Department will complete an analysis of its own at least every three years. The analysis will be based, in part, on the report completed by the Victims Advocate's office for the county.

The analysis will be conducted using information provided by the St. Clair County Prosecuting Attorney's Office, Victim Assistance Unit or any other victims service provider.

- B. The analysis will identify:
  1. The extent and major types of victimization within the agency's service area;
  2. An inventory of information and service needs of victims/witnesses in general and special victims, such as those victimized by domestic violence, abuse and neglect, sexual crimes and drunken drivers; (special victims include but are not limited to: Emotionally Disturbed Persons, Children, Senior Citizens, Homicide and Suicide Survivors).
  3. Victim assistance and related community services available within the service area;
  4. Identification of unfulfilled needs and the selection of those that are appropriate for the agency to meet.

VIII. VICTIM/WITNESS ASSISTANCE NEEDS AND AVAILABLE SERVICES

- A. Based upon the department's knowledge of the needs of the residents of Port Huron

and the surrounding area, the types of services needed are generally those required by any similar city in population make up and size.

- B. These needed services include services to the victims/witnesses of domestic violence, abuse of the young or elderly, criminal sexual conduct, or drug abuse.
- C. The major types of victimization within the department's area fall within the areas of domestic violence, victims of property crimes, vandalism, MDOP, alcohol abuse, and larcenies.

IX. INFORMATION NEEDS

Based on the experience of the officers of the Port Huron Police Department, the needs of the victims/witnesses of our community is mostly in the area of referrals, shelter on a short term basis, and legal advice.

- A. Victims of domestic violence and abuse cases have the greatest need of temporary shelter. Troubled youth also have a need for temporary shelter and counseling.
- B. Family members of suicide or homicide victims need information on available counseling.
- C. People with alcohol problems, both family members and victims, need information on counseling and programs.

X. NEEDS THE DEPARTMENT SHOULD MEET

- A. The basic needs of the citizens of our community that may not be met upon an officer's arrival are, usually, that of support and information.
- B. Being first responders, the officers are in a unique position to supply victim/witnesses with this support and information. Officers of the Port Huron Police Department will assist in any way possible to give needed support and information to victims/witnesses.
- C. Since most assistance will require the services of specially trained professionals, the officer's main function will be to inform the victim/witness of the fact that help is available and, in some cases, to help the victim/witness make the initial contact.

XI. DELIVERY OF ASSISTANCE

- A. One of the tasks an officer will perform when responding to a call is to ascertain if there is a need for victim/witness assistance.
  - 1. This can be done by observing and listening to the victim/witness and relying on the officer's experience to detect the need for help that may not be asked for by the victim/witness.

2. The victim/witness may in fact ask for help outright.
  3. In either case the officer will assist by being supportive and assist in contacting specialized persons, groups, or family members.
- B. Officers will occasionally contact victims/witnesses who, in the officer's opinion, may need immediate assistance because of intimidation, possible further victimization, or who do not appear to understand the options available to them.
1. Officers will make every effort possible to contact help for the victim/witness, and explain the options to them.
  2. Officers shall take the necessary appropriate action to ensure the safety of the victim/witness. This may be nothing more than making a phone call, reassurance, contacting someone to stay with the victim/witness, or may entail securing protective shelter for the victim/witness.
- C. Officers will note, on their incident report, instances of victims/witnesses in need of assistance during follow-up or where the impact of the crime has been unusually severe and has triggered an above average need for victim/witness assistance, so that contact can be made during the follow-up investigation.
1. When possible and appropriate, officers/detectives shall explain the procedures involved in prosecution of the cases that the victim/witness is involved in.
  2. Whenever possible and appropriate, follow-up contact with victims/witnesses should be done when convenient to the victim/witness.
  3. In cases where appropriate, the officer/detective assigned to the case may become the victim/witness advocate. The victim/witness will have access to the officer/detective during their scheduled work hours through the department. The officer/detective may choose to re-contact the victim/witness periodically to assist them with their assistance needs.
  4. In some cases, the Department may assist the victim/witness with transportation needs during the follow-up stages and court appearances.

## XII. VICTIMS/WITNESSES WHO HAVE BEEN THREATENED

- A. In Michigan it is a felony to threaten or intimidate a witness. Witnesses who express that they are being threatened or intimidated at any point in a case they may be involved in, will be assisted by officers in filing a complaint and contacting the Prosecuting Attorney.
- B. In the event that a victim/witness is living outside the jurisdictional limits of the City of Port Huron, and is receiving threats or is being intimidated, the Department

will send a LEIN message requesting assistance to the agency of jurisdiction where the victim/witness is located.

The message will include all pertinent information relating to the threats or intimidation so that they will be on alert and can take appropriate action as necessary to ensure the safety of the victim/witness.

- C. If the Port Huron Police Department receives an LEIN message from another police agency that threats or intimidation are being made against a victim/witness residing in the City, the Department will treat the events as a priority felony incident and make every effort to contact the victim/witness to ensure their safety.

### XIII. DEPARTMENTAL MEMBERS AS VICTIMS/WITNESSES

- A. Regrettably, members of the Port Huron Police Department or their families can become the victim/witness to either accidental or intentional injury or death. This can cause intense emotional strain on the employee or their family. The Port Huron Police Department will take whatever action it can to relieve and help the member or their family.
- B. In the case of injury to a member of the Department which requires hospitalization, Duty Command will be notified.
  - 1. Duty Command will personally inform the injured officer's immediate family of the injury; assist in making any needed arrangements, such as transportation, notifying other family members, etc.
  - 2. Duty Command will also inform the E.D.O. as soon as possible.
- C. In the case of a death to a member of the Department, the Chief of Police and the Captain will be notified immediately. Policy and Procedure # 22-4 will be followed.

### XIV. CONFIDENTIALITY

- A. The Crime Victims' Rights Act and the Freedom of Information Act are joined for privacy protections.
- B. The Crime Victims' Rights Act Privacy exemptions are mandatory and victim privacy redactions must be followed by personnel.
- C. DOB, addresses, phone numbers, photographs, etc. are redacted under the Crime Victims' Rights Act. In addition, CVRA privacy protections expand to child abuse and sexual assault cases when the victim is less than 18 years old. The minor victims' names, addresses, the names/addresses of immediate family members/relatives who have the same last name (surname) as the victim, and any information that would tend to reveal the identity of the victim including a

reference to the victim(s) familial or other relationship to the accused must be redacted.

- D. Confidentiality and the redaction of records will be done to the extent consistent with the Freedom of Information Act and the Crime Victims' Rights Act.
- E. The Captain will make available information on the services the Department can provide when giving crime prevention presentations or informational presentations to clubs or groups.
  - 1. Any request by the news media for information regarding the program will be granted with a full explanation.
  - 2. Citizens will be encouraged to ask for assistance from officers when they need assistance after becoming a victim/witness.

AVAILABLE COMMUNITY SERVICES

EMERGENCY SHELTER:

SAFE HORIZONS. 985-5538  
PATHWAY SHELTER 982-1020

SUICIDE PREVENTION:

CRISIS CENTER 1-888-225-4447  
(THROUGH COMMUNITY MENTAL HEALTH) 985-8900

SUBSTANCE ABUSE:

ALCOHOLICS ANONYMOUS 987-8884  
NARCOTICS ANONYMOUS 1-877-338-1188  
HOPE NOT HANDCUFFS 1-833-202-4673

SURVIVOR GROUPS:

BLUE WATER HOSPICE 982-8809  
THUMB AREA ASSAULT CRISIS CENTER 1-800-292-3666  
ALZHEIMER SUPPORT GROUP (P.H. HOSP.)  
Care Management Department 985-2645

COUNSELING SERVICES:

BLUE WATER MENTAL HEALTH CLINIC 985-5125  
BLUE WATER CNTR. FOR CHRISTIAN COUNSELING 966-0099  
CATHOLIC SOCIAL SERVICES 987-9100  
DR. FRED ROBERTS OFFICE 984-4550  
PROFESSIONAL COUNSELING CENTER 984-4202

PUBLIC AND PRIVATE INDIVIDUALS AND AGENCIES ARE LISTED IN THE  
YELLOW PAGES OF THE TELEPHONE DIRECTORY UNDER;

Alcoholism Information & Treatment Centers  
Counselors-Licensed Professional

- Credit and Debt Counseling Services
- Crisis Intervention Service
- Drug Abuse & Addiction-Information & Treatment
- Hotlines & Helping Lines
- Human Services Organizations
- Marriage, Family, Child & Individual Counselors
- Mental Health Services
- Personnel Consultants
- Psychologists
- Rape Treatment Centers
- Rehabilitation Services
- Social Service Organizations
- Social Workers
- Suicide Prevention Service
- Support Groups

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