

VICTIM WITNESS ASSISTANCE	Chapter No. 55
Effective Date: 04/01/2018	Reference: Chaplaincy Guide Lines

55.1.1 RIGHTS OF VICTIMS AND WITNESSES

The State of Washington and the City of Pasco recognize the impact of crime on victims, survivors of crime and witnesses. The state and city also recognize that without the cooperation of these groups of people, prosecution of suspects is difficult.

It is extremely important that victims and witnesses are treated with dignity and respect at every level of the criminal justice system. They are entitled to updated information regarding the case they are involved in. This will increase their feeling of security and also satisfy them that law enforcement is doing its duty.

With the rights of victims, survivors and witnesses in mind, the State of Washington enacted laws to define the rights of these groups of people. [RCW 7.69.030](#) defines the rights of crime victims, survivors and witnesses. [RCW 7.69A.030](#) defines the rights of child victims and witnesses. The Pasco Police Department fully supports this legislation and makes every effort to protect the rights of crime victims and witnesses.

A summary of [RCW 7.69.030](#) crime victims, survivors and witnesses states that a reasonable effort will be made to protect victim's rights. The agency responsible for ensuring that those rights are protected is indicated in parentheses.

- A. To be informed by the law enforcement agency or the prosecutor of the **final disposition** of their case. (Prosecutor's Office)
- B. To be notified by the party issuing a subpoena if the case they have been subpoenaed for has been cancelled or rescheduled. (Prosecutor's Office)
- C. To receive protection from harm and threats of harm arising out of cooperation with law enforcement and to be provided with information as to the level of protection available. (Pasco PD)
- D. To receive information about the procedure to be followed and to apply for and receive any witness fees to which they are entitled. (Court)
- E. If practical, to be provided with a secure waiting area during court procedures. (Court and Prosecutor's Office)
- F. To have any stolen or personal property returned to them in a timely manner when it is no longer of evidentiary value. (Pasco PD)
- G. To intercede with employers to help minimize loss of pay and benefits resulting from their court appearance. (Prosecutor's Office)
- H. Access to immediate medical assistance and to not be detained for an unreasonable period of time by a law enforcement agency before receiving

medical treatment. If questioning the victim/witness at the hospital, don't hinder the medical treatment. (Pasco PD)

- I. Allow victims/survivors to be physically present in court during trial. If they are excluded as witnesses, allow them to testify as early as practical so they do not have to be excluded from the courtroom. (Prosecutor's Office)
- J. Victims/survivors are notified of the time, date and location of the trial and sentencing for felony convictions upon request. (Prosecutor's Office)
- K. If requested, the prosecutor should submit a victim impact statement to be included in pre-sentence reports and permanently kept in the file. (Prosecutor's Office)
- L. Allow an opportunity for victims and survivors to make a statement at the sentencing hearings of those convicted of felony crimes. (Prosecutor's Office)
- M. When appropriate, enter a restitution order in felony cases, even if the defendant is sentenced to confinement. (Prosecutor's Office)
- N. If practical, provide an opportunity to have an advocate present at any prosecutorial or defense interviews with the victim. The role of the advocate is to provide emotional support to the crime victim. (Prosecutor's Office)

[RCW 7.69A.030](#) defines the rights of child victims and witnesses. Child victims and witnesses have the following rights:

- 1. To have legal proceedings/police investigations explained to them in easily understood language. (Pasco Police Department and Prosecutor's Office)
- 2. When possible, be provided with a secure waiting area during court proceedings and have an advocate or support person remain with the child. (Prosecutors and Court)
- 3. To have victim/witness personal information kept confidential and not released without permission. (Pasco Police Department, Prosecutors and Court)
- 4. An advocate should be allowed to make recommendations to the prosecutor about the child's ability to cooperate and the potential effect of the court proceedings on the child. (Prosecutor's Office)
- 5. An advocate should be allowed to provide information to the court concerning the child's ability to understand the nature of the court proceedings. (Prosecutor's Office)
- 6. The child and the child's family should be provided information or referrals to social service agencies to assist the child/family with the emotional impact of the situation. (Pasco Police Department)
- 7. Allow the advocate to be present in court while the child testifies. (Prosecutor's Office)

8. The advocate can advise the court if other support personnel are needed in court while the child testifies, to make the child feel secure and safe. (Court Function)
9. Allow law enforcement agencies to get assistance from Child Protective Services, trained prosecutorial staff or other trained agencies to assist in the interview of the child.
10. Provide an opportunity to have an advocate present at any prosecutorial or defense interviews with the child. The role of the advocate is to provide emotional support to the child. (Prosecutor's Office)

Consistent with the Washington State disclosure laws, the Pasco Police Department ensures the confidentiality of victims'/witnesses' records/ files and their role in case development.

55.1.2 POLICY AND PROCEDURE DEVELOPMENT

The Department completes a review of victim/witness assistance needs and available services to mitigate duplication of services offered by other organizations in the community. The Support Services Captain submits a memo to the Deputy Chief every odd calendar year.

55.2.1 INITIAL ASSISTANCE

Pasco Police Department personnel have access to agency and other organizations victim/witness assistance information. Community members can also receive this information via the main business phone number. Records specialists have immediate access to community and City of Pasco resources.

55.2.2 RESPONSE TO VICTIM OR WITNESS INTIMIDATION

The Pasco Police Department provides necessary assistance to victims/witnesses receiving threats or having credible reasons for fearing intimidation or further victimization.

Assistance for victims/witnesses within our jurisdiction may include:

- A. Words of encouragement
- B. Protection orders, to include:
 1. No contact
 2. Restraining
 3. Anti-harassment
 4. Civil protection
- C. Additional criminal charges being filed against the defendant.

Victim Assistance services may include protective escorts to and from court proceedings upon victims request, safety planning and referrals to community support services such as address confidentiality program and shelters.

When the Pasco Police Department becomes aware of danger to a victim/witness, it attempts to contact the victim/witness. If the victim/witness is in another jurisdiction, the Pasco Police Department informs the appropriate agency and requests the necessary precautions.

55.2.3 VICTIM AND WITNESS ASSISTANCE DURING THE PRELIMINARY INVESTIGATION

During the preliminary investigation, the officer:

- A. Supplies victim/witness with an information assistance pamphlet that advises them about assistance services available to them. The pamphlet contains referral information for services including counseling, compensation programs, emergency financial assistance and victim advocacy.
- B. Advises the victim/witness if threatened or otherwise intimidated by the suspect or others, to contact the police via 9-1-1. In cases involving family violence, also contact the City of Pasco Prosecutors Office for appropriate intervention services.
- C. Supplies the incident case number and answers victim/witness questions about the case.
- D. Provides the victim/witness with telephone number to call and report additional information about case or to receive information on status of the case.
- E. Informs the victim/witness that if needed, an officer, detective or the family violence advocate will contact them regarding the case status and any follow-up.
- F. Victims and witnesses are interviewed in locations separated by sight and sound from the public area of the facility.

55.2.4 VICTIM AND WITNESS ASSISTANCE DURING FOLLOW-UP INVESTIGATION

During the follow-up investigation victims/witnesses can expect the following services from employees of the Pasco Police Department.

- A. Investigating officers may re-contact victims/witnesses or request the advocate contact the victim as soon as possible via phone, letter or personal contact. Victims or witnesses who appear particularly traumatized or the impact of the crime is unusually severe, the investigator may periodically contact them to learn if the person's needs are being met.
- B. The Domestic Violence Coordinator (Prosecutors' Office) explains the criminal justice procedures to victims/witnesses making them aware of their role in the process. The domestic violence coordinator explains the victim's rights, cycles and continuum of violence, provides safety planning, personal advocacy, referrals and case notification.

The Franklin County Prosecutor's Office Victim's Assistance Unit performs this process for any felony case filed in their court. The Victim's Assistance Unit mails crime victims and witnesses notification of the services provided by their office. These services include: Victim protection advocacy, notification of trial and sentencing dates, determining and presenting to the court requests for restitution and explanation of the process involved in prosecution.

- C. Detectives, patrol officers or domestic violence coordinator make an effort to schedule lineups, interviews and other required appearances at the convenience of the victim/witness. Detectives, patrol officers or domestic violence coordinator arrange transportation for appearances if there is no other reasonable means of transport.
- D. Detectives or patrol officers evaluate property taken during an investigation to decide if it may be returned promptly to the owner. The domestic violence coordinator also gathers evidence and assists the victims with the return of property. Detectives or patrol officers should be conscious of state law and evidence rules when releasing property.
- E. If the detective or patrol officer believes a victim advocate would aid in the resolution of the case, the domestic violence coordinator is contacted to provide the necessary support.
- F. Copies of incident and supplemental reports are forwarded to prosecutor's office as required.

55.2.5 VICTIM/WITNESS NOTIFICATION OF ARREST

When possible, notify victims/witnesses of the suspect(s) arrest, the charge(s) and the suspect(s) custody status. Notification may be in person, by phone or by mail.

In the case of domestic violence, an attempt to notify the victim of the suspect's arrest is done in person by phone or by mail.

55.2.6 NOTIFICATION OF NEXT OF KIN IN THE EVENT OF SERIOUS INJURY, SERIOUS ILLNESS OR DEATH OF A FAMILY MEMBER

In any event involving the serious injury or serious illness of an individual, it is the responsibility of the primary investigating officer to attempt to notify the next of kin. Ordinarily, the notification will be made in person. Whenever appropriate, assistance should be obtained from the clergy, relative or close friend. Officers should be courteous and demonstrate concern for the people that they are contacting.

During a death investigation the officer may learn that the Coroner's office will perform an autopsy. In these situations the Coroner's office is responsible for notifying the next of kin. The investigating officer should confirm that the Coroner's office will make the death notification.

Officers investigating natural death situations need to contact the Coroner's office. The Coroner may decide there is no need for an autopsy. In death situations, the Coroner is responsible for contacting the next of kin. Investigators will coordinate with the coroner when notifications are

done by the investigator. Generally, notification should be done in person. It is the Coroner's responsibility to remove the deceased and contact the family.

When outside agencies request the Pasco Police Department notify the next of kin in emergency situations, route the request through Dispatch who will create a service call and dispatch the area car to make the notification. Officers should consider the need for a back-up officer in emergency notification situations. This will be left to the discretion of the officer making the notification.

If the next of kin are located outside the area, the investigating officer will coordinate with the Franklin County Coroner and the agency where the next-of-kin is located.

55.2.7 PASCO POLICE DEPARTMENT CHAPLAINCY PROGRAM

The Pasco Police Department has established a Chaplaincy program. The Pasco Police Department recognizes that employees, as well as citizens, regularly are placed in crisis situations. The chaplaincy program has been established in order to provide for the total well being of department employees and provides citizens with assistance during stressful situations.

A. Chaplains

For the purpose of this policy the term chaplain shall mean any ordained Minister working with the Pasco Police Department on a volunteer basis.

B. Selection

1. The position of chaplain shall be filled by a selection process, which consists of, but not limited to, the following:
 - A letter of interest submitted to the Chief of Police.
 - Oral interview with current Police Department Chaplain, peer support team member and a member of the patrol division.
 - Candidate's criminal history will be checked for any felony convictions.
2. Final approval by the Chief of Police.

C. Duties

The duties and function of the Pasco Police chaplaincy program shall be in accordance with the chaplain's respective religious calling, state, city law and department policy and procedures.

Chaplains volunteering their time to the Pasco Police Department may find their services needed in the following areas:

1. Employee/spousal counseling.
2. Critical incidents, such as death/homicide investigations, child abuse, fire calls, death notification, etc.

3. Delivery of invocations or other related presentations on behalf of the Pasco Police Department.
4. The chaplain(s) shall serve independently and without compromise of personally held beliefs and/or convictions. The chaplain will not take the place of the family minister or other professionals already involved in the counseling of employees or the public they are called to help.
5. The Patrol Captain or a designee shall administer the chaplaincy program and will coordinate the responsibilities of the volunteer chaplains.
6. The chaplains are available 24 hours a day for call out. When their services are required the on duty supervisor will initiate the call out. The chaplains may be reached by calling their office, home or a department issued device. The phone numbers are on file in the emergency call out book in records.

D. Confidentiality

Communications between the chaplain and the employee(s) or members of the public who they counsel will be held in the strictest confidence. Per [RCW 5.60.060](#), these conversations are privileged communication.